

Introduction

The letters in this volume were submitted by Federal, State and local agencies, and elected officials.¹ Letters from Federal agencies and federally recognized Tribes are listed first. Letters from State and local agencies and officials are organized by State as shown in the table of contents. Government agencies or elected officials in 33 States submitted comments. If we did not receive any letters from agencies or elected officials in a particular State, that State is not listed in the table of contents. Letters from members of Congress are included in their respective States. All attachments submitted with these letters are included, unless limited by format or excessive length.

¹ Section 102(C) of the National Environmental Policy Act of 1969, as amended, requires that “... comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and to the public...” The Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15, 24.1 (3)) states that “As a minimum, include in an appendix of a final EIS copies of all comments received on the draft EIS from Federal, State, and local agencies and elected officials.”



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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CAET Review
Jul 17 2000

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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USDA Forest Service
Attention: CAET, Roadless Areas Proposed DEIS/Rule
Scott Conroy, Project Director
P.O. Box 221090
Salt Lake City, UT 84122

Dear Mr. Conroy:

Pursuant to our responsibilities under the National Policy Act (NEPA) and section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Department of Agriculture, Forest Service (USFS) Draft Environmental Impact Statement (DEIS) on Roadless Area Conservation and the accompanying proposed Rule at 36 CFR Part 294, Special Areas; Roadless Area Conservation. Our comments are organized to provide an overview of the issues, highlighting areas where EPA has concerns, as well as detailed information for your consideration as the USFS prepares the Final Roadless Area Conservation EIS (FEIS) and Rule.

The DEIS and proposed rulemaking are in response to the strong public sentiment voiced on protecting roadless areas and the associated benefits associated with these areas found in our National Forests. This effort was initiated by the President's October 13, 1999, memorandum to the Secretary of Agriculture directing the USFS 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 smaller *roadless* areas not yet inventoried."

EPA commends the USFS for its monumental efforts to solicit input from the public and explain the impacts of this undertaking. Its efforts with outreach and supplying access to the DEIS and proposed rule, supporting documents, public meetings and outreach to the relevant federal agencies are unprecedented.

The DEIS presents four alternatives, including an agency preferred alternative, and is accompanied by a proposed rule. Alternative 1, the No Action alternative, supports current practices concerning activities in inventoried roadless areas. Alternative 2, the preferred

alternative, prohibits road construction and reconstruction in the unroaded portions of inventoried roadless areas. Alternative 3 prohibits road construction, reconstruction, and timber harvest (except for stewardship purposes) in the unroaded portions of inventoried roadless areas and Alternative 4, the maximum protection alternative, is the same as Alternative 3, but with no exceptions for any timber harvest. In addition, four separate alternatives are presented to address the Tongass National Forest (Tongass), which may warrant other approaches. These four alternatives range from the no action alternative which supports current practices to prohibiting road construction and reconstruction in specified inventoried roadless areas in the Tongass.

The proposed rule offers a two pronged approach to conserve roadless areas. The proposed rule would prohibit new road construction and reconstruction in the unroaded portions of inventoried roadless areas and use local planning procedures to ensure consideration of roadless values and characteristics in other roadless areas not covered by the prohibitions.

EPA is especially interested in this DEIS and proposed rule because 80 percent of the nation's rivers originate in the national forests and, consequently, this rulemaking may have significant impact on water quality. This rule could greatly increase the protection to ground and surface water resources which are directly related to the status of riparian and aquatic habitats, wildlife habitat, biological diversity, forest health and other benefits derived from roadless areas found on the national forests and grasslands. EPA supports this rulemaking, one of several recent efforts the USFS has undertaken to address road management on its lands. The proposed rule intends to identify and stop activities with the greatest likelihood of degrading the desirable qualities of inventoried roadless areas at the national level and ensure that "roadless character" qualities of inventoried and other unroaded areas are identified and considered during local forest planning efforts.

Although EPA supports the proposed rulemaking effort, based on our review of it and the supporting DEIS, we wish to raise several environmental concerns. While it is important to recognize that the rule's purpose has been developed in the context of overall multiple-use objectives, the multiple use mandate does not fully justify a prohibition limited only to road building. EPA suggests that the FEIS more fully discuss the rationale for why other uses that can be expected to degrade the desirable environmental qualities of inventoried roadless areas were not included in the proposed prohibitions. For example, other uses such as recreation, timber production and mining have clearly led to significant environmental degradation in the past and should be further addressed in the FEIS.

The FEIS should also disclose to the public the uncertainty in using procedures implemented at the local level versus prohibitions issued at the national level to provide environmental protection to these areas. While the "one size does not fit all" concept has merit and local decision making is necessary to address the unique needs of local areas, EPA has concerns that some areas may not receive the environmental protection they need.

Because the determination to revise or amend a forest plan is based on a variety of factors and time lines, EPA suggests that the application of procedures as provided for in section 294.14 be revised to include a project-by-project review when the project meets a "significance criterion". EPA recognizes that a project-by-project review of all actions would be unduly burdensome;

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however, those proposed actions with the potential to have significant impacts should be reviewed.

Finally, EPA does not believe the DEIS gives adequate support for excluding coverage of the proposed rule to the Tongass and our detailed comments provide additional information on this issue.

Based on our review EPA has assigned a rating of EC-2 (Environmental Concerns, Insufficient Information) to the preferred alternative. EPA appreciates the opportunity to submit comments on the DEIS and proposed rule and commends the USFS for orchestrating extensive sessions for early interagency cooperation in the scoping and development stages of the process. EPA welcomes the chance to continue working with the USFS as it completes the FEIS and final rule. If I can provide additional explanation of our comments please contact me at (202) 564-2400 or Elaine Suriano of my staff at (202) 564-7162.

Sincerely,



Anne Norton Miller
Acting Director
Office of Federal Activities

Enclosure

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DETAILED COMMENTS ON THE DEIS AND PROPOSED RULE

DEIS

Purpose and Need

EPA strongly agrees with the underlying purpose and need for national direction on roadless area conservation, and we offer the following comments for your consideration. The purpose presented on page S-4 is three-fold, whereas the purpose stated on page 1-10 is only two-fold; the FEIS should reconcile this inconsistency. Second, the purpose stated on page A-26 of the proposed rule is further condensed and less specific than the purpose stated on pages 1-10 or S-4. EPA recommends that the FEIS and final rule use the same language to describe the purpose of this action, preferably the language used on page S-4.

Alternatives

EPA highlighted several issues related to the alternatives in our December 21, 1999, comment letter on the Notice of Intent for this DEIS and proposed rule. These included the range of alternatives and their analysis, and adequate explanation on implementing the selected alternative. While the DEIS offers a range of alternatives, EPA believes that this range should have been broader and more inclusive of other uses in an attempt to more fully comply with the direction provided in the President's October 19, 1999, memorandum.

EPA believes that Alternative 3-Procedure D (3-D) provides additional environmental advantages over the preferred alternative including: 1) providing significant protection for inventoried roadless areas while still accommodating harvest of small diameter trees where necessary to address fire and fuels issues; 2) reducing the likelihood that smaller roadless areas will be impacted pending the completion of transportation and access plans as described in the proposed USFS Transportation Policy; and 3) ensuring that appropriate protections are applied to the Tongass. In addition, we suggest that the FEIS consider confining Off Highway Vehicles (OHVs) only to roads and trails that have been specifically designated for that purpose following analysis pursuant to NEPA.

EPA has environmental concerns with the range of Tongass alternatives presented and offers the following modification based on alternatives considered in the DEIS. We view this as a "win-win" alternative, achieved by adding several mitigation measures.

EPA recommends that the FEIS consider in detail an alternative that: 1) applies the national prohibitions (Alternative 2, 3 or 4) and national procedures (Alternative B, C or D) to the Tongass; and 2) mitigates the social and economic impacts on the communities in Southeast Alaska pursuant to 40 CFR 1502.14(f). We believe that this latter objective can be accomplished through a combination of adjustments to the Tongass Land Management Plan (TLMP) and a financial and technical assistance package for the affected communities (e.g., under the auspices of the Southeast Alaska Community Economic Revitalization Team).

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For example, the Record of Decision (ROD) could include the Tongass in the roadless area conservation rule and direct the Alaska Regional Forester or the Tongass Forest Supervisor to amend or revise the TLMP to offset some of the effects of the final rule on the Tongass timber program. Specifically, the ROD could direct the responsible official to consider the following adjustments to the TLMP:

1. Seek to maintain the total land suitable for timber production at 576,000 acres as set forth in the April 1999 TLMP ROD. To the extent practical and appropriate, reallocate those suitable acres by changing Land Use Designations (LUDs) in inventoried roadless areas from timber to non-timber LUDs, and in roaded areas from non-timber to timber LUDs.
2. Where necessary to meet the objective of #1 above, and where appropriate and consistent with other management objectives, recapture some of the young growth that was removed from the suitable timber base in the revised forest plan. The Tongass harvested roughly 400,000 acres of timber from 1954 to 1999. Approximately 140,000 acres of young growth remain in the suitable timber base; the other roughly 260,000 acres of young growth were removed from the timber base due to riparian buffers, beach and estuary buffers, old growth reserves, etc. It would certainly be inappropriate to place all of these acres back in the timber base (e.g., riparian buffers). However, if the Tongass is included in the Roadless Area Conservation Rule, it may be appropriate to recapture some of those acres (e.g., young growth within beach buffers and old growth reserves) in order to maintain the current suitable timber base. While this would have no effect on the timber volume harvested in the short term, in the long term it would expedite the transition from harvesting old growth to harvesting young growth. It would also enable the Tongass to use "timber dollars" to thin these young growth stands, which in the absence of an alternative funding source will continue to suffer from neglect.
3. Where necessary to meet the market demand for timber from the Tongass, consistent with the Tongass Timber Reform Act, adjust certain standards and guidelines that restrict timber harvest. For example, consider adjusting the 200-year rotation that was adopted in the 1999 TLMP ROD. The intent of the 200-year rotation is to reduce impacts to deer winter range and deer habitat capability by reducing the rate of timber harvest in developed areas (1999 TLMP ROD, page 29). Unfortunately, one of the unintended consequences of the 200-year rotation is that, in order to meet market demand and the ASQ, it increases the rate of entry into undeveloped areas (i.e., inventoried roadless areas and other unroaded areas). This explains, in part, why under the no action alternative (T1), roughly 90% of the total timber-related road construction on the Tongass National Forest, and roughly two thirds of the total 5-year timber volume offered by the Tongass National Forest is projected to come from inventoried roadless areas (DEIS, Tables S-3, and page 3-232). However, if the Tongass is included in the roadless rule, then the prohibitions and procedures may substantially reduce, if not eliminate, the need for the 200-year rotation.
4. Adjust the Allowable Sale Quantity (ASQ), including the Non-Interchangeable Components (NIC I and NIC II), in response to #1 through #3 above and to better reflect projected market demand over the planning cycle.

EPA believes an alternative based on the above proposal is more environmentally protective,

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more socially desirable and more economically efficient than the proposed action and preferred alternative presented in the DEIS. In the absence of developing or selecting such an alternative, EPA recommends selecting alternative 3D, without exempting the Tongass.

Should the USFS select the preferred alternative as presented, EPA believes the FEIS should address the following issues. The proposed rule would establish protection of "unroaded areas in inventoried roadless areas" on all National Forests except the Tongass. The protections sought by the President for roadless areas on the Tongass would rely on the Forest Service's planning process exclusively. It should be noted the USFS proposed rules to revise the existing planning process are currently under review and it is uncertain when and what the Forest Service planning process will be once finalized. Because the rulemaking process and the USFS planning process are distinctively different, particularly in their final products, EPA suggests that the FEIS include a discussion of protecting roadless areas on the Tongass by rule versus by the revisions to the forest plans via the planning process. It should be disclosed to the public that the rule has a certain degree of "permanence" that is not the same as a forest plan. Forest plans are currently required to be reviewed and revised every 10 years, and the proposed revisions to the Forest Service planning regulations indicate that forest planning will be less structured in the future. Because of the present and proposed nature of forest planning, issues regarding protecting roadless areas can be revisited as part of a forest plan amendment or revision. Although rules can be revised, there is no requirement to do so periodically; therefore, the protection they offer is more predictable over a long time period. Consequently, areas protected by the prohibitions have a more certain likelihood of receiving the long-term protection that the President expressed, while there is no mechanism to ensure long-term protection of roadless areas on the Tongass. EPA suggests that the FEIS address the potentially different levels of long-term protection that would be applied to the Tongass and the rest of the National Forest System under the preferred alternative.

Page S-7 lists four exceptions from prohibitions. As they are stated in very broad terms EPA suggests that the FEIS cite a few examples, especially for exemptions three and four. These are intended to provide specific examples of actual situations and disclose the potential scope of such actions.

Proposed Rule

294.10 Purpose

EPA suggests that the final rule include language clarifying the intent and purpose statement to help guide the implementation of the rule. As currently worded, the proposed purpose statement is less specific than the purpose stated on page S-4 of the DEIS. EPA recommends that the FEIS and final rule include the same language to describe the purpose of this action, preferably the language used on page S-4.

294.11 Definitions

Inventoried roadless areas

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The proposed definition of inventoried roadless areas is confusing. The first sentence implies that inventoried roadless areas may include designated areas such as Wilderness. However, the second sentence refers to the maps contained in Volume 2 of the DEIS, which display inventoried roadless areas and designated areas (such as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, National Recreation Areas, National Monuments, and other special designations) as mutually exclusive categories of National Forest System lands. Adding to this confusion, Volume 2 shows recommended Wilderness as inventoried roadless areas but places Wilderness Study Areas in with designated areas. This approach is counterintuitive and may result in situations where administratively designated inventoried roadless areas are subject to a higher level of protection than some Congressionally designated areas.

For example, Wilderness Study Areas that are not recommended in the future for Wilderness designation but are instead allocated to a prescription that allows roads would not benefit from the prohibitions under the roadless area conservation rule. Yet these areas that may otherwise "fall through the cracks" represent some of the best opportunities to respond to the underlying purpose and need of this action.

Therefore, EPA recommends: 1) clarifying the definition of inventoried roadless areas to explicitly include designated areas (or at a minimum, roadless designated areas of 5,000 acres or more); and 2) adding "inventoried roadless areas" in front of "Designated Areas" in each legend of every map in Volume 2. Alternatively, we recommend the following:

1. define *designated areas* in Section 294.11;
2. add *designated areas* to the title of Section 294.12 and add a new paragraph to this section to clarify that the prohibitions also apply to *designated areas*; and
3. add new paragraph to Section 294.13 to clarify that the procedures also apply to *designated areas*.

A third option, in the interest of plain English and practicality, would be to replace *inventoried roadless areas* and *unroaded area* with *large roadless area* and *small roadless area*, respectively (with the threshold between the two set at 5,000 acres or 1,000 acres, as appropriate). Subsequent decisions would be based on actual on-the-ground conditions instead of on whether an area is inventoried or designated as roadless.

Road maintenance.

Consider adding "...or to prevent or correct environmental problems" to the end of the proposed definition.

Road reconstruction.

Consider adding "...or to prevent or correct environmental problems" to the proposed definitions of *realignment*, *improvement* and *rebuilding*.

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Unroaded area.

Insert "(other than an inventoried roadless area)" between "Any area" and "... without..."

The final rule should include definitions for *trails*, *primitive and semi-primitive non-motorized*, and *semi-primitive motorized* classes of dispersed recreation.

294.12 - Exemptions

It is not explicitly stated in the rule that once an emergency that created the need for building a road is over the road should be closed and the area restored to the previous condition. EPA suggests including an additional provision - "(e) - roads constructed for an emergency purpose under b(1), (2), and (3) are to be removed once they are no longer needed for the initial emergency purpose and the area will be restored to the natural condition."

EPA appreciates the change made from scoping comments in paragraph (a) that the prohibition applies to both classified and unclassified roads, including temporary roads.

Delete paragraph (c), application to the Tongass.

294.13 - Consideration of Roadless Area Conservation During Plan Revision

EPA has environmental concerns with leaving the choice of method of selection or delineation of unroaded areas for evaluation under 294.13(b)(2) entirely to the responsible official. The final rule should provide a list of methods that are accepted nationally to promote consistency.

Delete paragraph (e), related to the Tongass.



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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ROCKY MOUNTAIN, DENVER
633 17TH ST.
DENVER, COLORADO 80202-3690

May 15, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Sirs:

The Department of Housing and Urban Development (HUD) has reviewed the Draft Environmental Impact Statement (DEIS) for the Roadless Area Conservation Proposed Rule with consideration of the areas of responsibility assigned to HUD.

This review considered the impact of the proposed rule on housing and community development within the states of Montana, Utah and Wyoming that are part of our office's area of responsibility. We find your transmittal adequate for our purposes since there is no significant adverse impact on HUD assisted housing and community development activities in proximity to the areas covered by the proposed rule.

If I may be of further assistance to you, please contact me at (303) 672-5285, extension 1305.

Sincerely,

Howard S. Kutzler
Regional Environmental Officer
Office of the Secretary's Representative

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MWTC SUPPLY

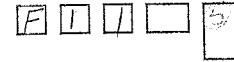
PAGE 01

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UNITED STATES MARINE CORPS
MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER
BRIDGEPORT CA 93517-6501

IN REPLY REFER TO:
5090
ENV/04
14 Jul 00



USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Gentlemen:

Thank you for the opportunity to provide written comments on the Forest Service's proposed Roadless Area Conservation rule. As a long-time user of the Humboldt-Toiyabe National Forest, the Marine Corps Mountain Warfare Training Center (MWTC) has several concerns with the proposed rule.

First, the web based maps of inventoried roadless areas you provided lack sufficient detail to conclusively compare them to roads and trails MWTC uses. We request a more detailed map be provided as well as sufficient time to review it. From the available map, we have determined that some roads are missing from your inventory. Please add the following former roads as shown on the attached map:

1. From Summit Meadows to Lost Cannon Creek.
2. From Grouse Meadows to Mill Canyon Road.
3. From Grouse Meadows to Chris Flat.
4. From the Grouse Meadow Road to the gaging station on HWY 395.

The MWTC requires continued access to this area of forest to conduct training per public law 100-693 of November 18, 1988. We recommend that District Rangers retain the authority to authorize or prohibit specific roads for the proper management and use of National Forest System lands. These decisions are based on appropriate environmental documentation and public participation. Local control is needed to fairly address existing uses of existing roads, whether classified or unclassified.

My point of contact for this matter is Mr. Kendall Yargus at 760-932-7761 ext. 332.

Sincerely,

J. H. NEAL
Lieutenant, CEC, USN
By direction

Encl: Annotated Forest Visitor/Travel Map, Toiyabe National Forest, Bridgeport Ranger District, California, 1994

Copy to:
MCB Camp Pendleton AC/S ES
Bridgeport Ranger District

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MAY 17 2000



United States Department of Agriculture

Natural Resources Conservation Service

Caribbean Area PO Box 364868 San Juan, PR 00936-4868

14635

F I I I I 5 yes

June 28, 2000

USDA Forest Service-CAET P. O. Box 221090 Salt Lake City, Utah 84122

Dear Sir or Madam:

SUBJECT: Roadless Areas Proposed Rules

After an extensive review of the Draft Environmental Impact Statement (DEIS) for the proposed rules to conserve roadless areas within the national forests, we do not have any comments to make, since the proposed rules are for the benefit of the ecosystems of such areas.

Should you have any questions, please contact Felix A. Latorre, Water Resources Planning Specialist at (787) 766-5206, Ext. 234.

Sincerely,

JUAN A. MARTINEZ Director

NOT RECEIVED JUL 06 2000

Aug-17-2000 14:49 From-FOREST SERVICE--Roadless Team

T-204 P.002/002 F-382



U.S. SMALL BUSINESS ADMINISTRATION WASHINGTON, D.C. 20416

OFFICE OF CHIEF COUNSEL FOR ADVOCACY

JUL 17 2000

VIA ELECTRONIC & REGULAR MAIL

Hilda Diaz-Soltero Associate Chief United States Department of Agriculture Forest Service Washington, DC Email: roadlessdeis@fs.fed.us

Dear Ms. Diaz-Soltero:

As stated in previous correspondence on this issue, the Office of Advocacy of the U.S. Small Business Administration (SBA) was established by Congress under Pub. L. No. 94-305 to represent the views of small business before federal agencies and Congress. Advocacy is also required by §612(a) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) to monitor agency compliance with the RFA. In that Advocacy is an independent office within SBA, the comments provided are solely those of the Office of Advocacy and do not necessarily reflect the views of SBA.

A Brief Review of RFA Compliance Requirements

Initial Regulatory Flexibility Analysis

The RFA requires agencies to consider the impact that a proposed rulemaking will have on small entities. If the proposal is expected to have a significant impact on a substantial number of small entities, the agency is required to prepare an initial regulatory flexibility analysis (IRFA) describing the reasons the action is being considered; a succinct statement of the objectives of, and legal basis for the proposal; the estimated number and types of small entities to which the proposed rule will apply; the projected reporting, recordkeeping, and other compliance requirements, including an estimate of the small

entities subject to the requirements and the professional skills necessary to comply; all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule; and the significant alternatives that accomplish the stated objectives of the of the statutes and that minimize any significant economic impact of the proposed rule on small entities. 5 U.S.C § 603. The analysis or a summary of the analysis must be published with the proposal for public comment.

Final Regulatory Flexibility Analysis

When an agency issues any final rule, it must prepare a final regulatory flexibility analysis (FRFA) when a rule will have a significant economic impact on a substantial number of small entities. The FRFA must discuss the comments received, the alternatives considered and the rationale for the final rule. Specifically, each FRFA must contain a succinct statement of the need for and objectives of the rule; a summary of the significant issues raised by public comments in response to the IRFA; a summary of the agency's assessment of such issues and a statement of any changes made in the proposed rule as a result of such comments; a description and an estimate of the number of small businesses to which the rule will apply or an explanation of why no such estimate is available; a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for the preparation of the report or record; and a description of the steps the agency has taken to minimize the significant economic impacts on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy and legal reasons for selecting the alternative adopted in the final rule, and the reasons for rejecting each of the other significant alternatives. In complying with the provisions of section 603 and 604 of the RFA, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable. 5 U.S.C. § 607.

Certification in Lieu of a Regulatory Flexibility Analysis

If the proposed or final rulemaking is not expected to have a significant economic impact on a substantial number of small entities, 5 USC §605 of the RFA allows an agency to certify a rule, in lieu of preparing an IRFA or FRFA. If the head of the agency makes such a certification, the agency shall publish such a certification in the Federal Register at the time of the publication of the general notice of proposed or final rulemaking for the rule along with a statement providing the factual basis for the certification. See 5 U.S.C. §605(b).

The Proposed Rulemaking

Because of the nature of this rule, the Office of Advocacy consistently maintained in its pre-proposal comments to the Forest Service (FS) that certification was inappropriate from a public policy standpoint. On May 10, 2000, FS published a proposed rule in the *Federal Register*, Vol. 65, No. 91, p.30276 on *Special Areas; Roadless Area Conservation*. The purpose of the proposal is to protect the environmental resources in

national forests by prohibiting road construction and reconstruction in most inventoried roadless areas of the National Forest System and require the evaluation of roadless area characteristics in the context of overall multiple-use objectives during land and resource management plan revisions. The intent of the rulemaking is to provide lasting protection in the context of multiple use management for inventoried roadless areas and other unroaded areas within the National Forest System. Id.

Prior to the proposal, the Office of Advocacy worked with FS in an effort to assist FS with RFA compliance. Throughout the process, FS has maintained that it believed that the proposed rulemaking would not have a significant economic impact on a substantial number of small businesses. FS has also contended that the proposed rule does not directly regulate small entities and, therefore, an IRFA was not necessary. Nevertheless, FS prepared an Initial Regulatory Flexibility Analysis (IRFA) at Advocacy's request. Because FS did not have sufficient economic information to prepare a complete IRFA, Advocacy advised FS to include a list of questions in the IRFA to solicit from the public information on the economic impacts of the proposal. FS complied with this request also.¹ See, Fed. Reg. at 30285-30286.

FS Should Abandon Its Assertion that the Rule Does Have a Direct Impact on Small Entities

As stated above, FS has consistently asserted that a regulatory flexibility analysis is not required since the proposal does not have a direct impact on small entities. It is Advocacy's understanding that the basis of the assertion is that the proposal establishes procedures, and nothing more, to be followed in local forest planning processes. Local FS offices will maintain the authority to determine the actual forest plan; hence national FS is not directly regulating small entities. Consequently, a regulatory flexibility analysis is not required.

Advocacy acknowledges that there is case law that states that the RFA only requires an agency to perform a regulatory flexibility analysis of small entity impacts when a rule directly regulates them. However, Advocacy asserts that the cases are inapplicable to FS' proposal. If anything, the case law and the facts support a finding that the impact of the proposal is indeed direct, not indirect.

The primary case on the consideration of direct versus indirect impacts for RFA purposes in promulgating regulations is Mid-Tex Electric Co-op Inc. v. F.E.R.C., 249 U.S. App. D.C. 64, 773 F.2d 327 (1985). In Mid-Tex Electric Co-op Inc. v. F.E.R.C., FERC ruled that electric utility companies could include in their rate bases amounts equal to 50% of their investments in construction work in progress (CWIP). In promulgating the rule, FERC certified that the rule would not have a significant economic impact on a substantial number of small entities. The basis of the certification was that virtually all of the utilities did not

¹ Usually, the Office of Advocacy does not publicize its interaction with an agency during the prior to the proposal of a rule. However, since Forest Service has agreed to release communications that it had with the Office of Advocacy to House Committee on Small Business, Subcommittee on Rural Enterprises, Business Opportunities, and Special Programs, the communications are now part of the public record.

fall within the meaning of the term small entities as defined by the RFA. Plaintiffs argued that FERC's certification was insufficient because it should have considered the impact on wholesale customers of the utilities as well as the regulated utilities. The court dismissed the plaintiffs' argument and concluded that an agency may certify that no RFA analysis is necessary when it determines that the rule will not have a significant economic impact on a substantial number of small entities that are not subject to the requirements of the rule. *Id.* at 64.

The US Court of Appeals for the District of Columbia applied the holding of the *Mid-Tex* case in *American Trucking Associations, Inc. v. U.S. E.P.A.*, 175 F.3d 1027, 336 U.S.App.D.C. 16 (D.C.Cir., May 14, 1999) (hereinafter ATA). In the ATA case, EPA established a primary national ambient air quality standards (NAAQS) for ozone and particulate matter. At the time of the rulemaking, EPA certified the rule pursuant to 5 USC § 605(h). The basis of the certification was that EPA had concluded that small entities were not subject to the rule because the NAAQS regulated small entities indirectly through the state implementation plans (SIPs). *Id.* Although the Court remanded the rule to the agency, the Court found that EPA had complied with the requirements of the RFA. Specifically, the Court found that since the States, not EPA, had the direct authority to impose the burden on small entities, EPA's regulation did not directly impact small entities. The Court also found that since the states would have broad discretion in obtaining compliance with the NAAQS, small entities were only indirectly affected by the standards. *Id.*

In *Mid-Tex*, compliance with FERC's regulation by the utilities would have a ripple effect on customers of the small utilities. There were several unknown factors in the decisionmaking process that were beyond FERC's control like whether utility companies had investments, the number of investments, costs of the investments, the decision of what would be recouped, who would the utilities pass the investment costs onto, etc. In this instance, FS is the ultimate decision-maker and its decisions will have a direct effect on known small entities that have profited from multiple use of FS' lands in the past or which planned to profit from the resources in the future.

Likewise, this matter is distinguishable from the ATA case. Unlike the ATA case, where EPA was setting standards for the States to implement under state regulatory authority, FS is developing a framework for the local/regional FS offices to use in adopting multiple use plans for national forests. The fact that it is a local office of FS versus the national office of FS is inconsequential. In either event, FS will implement the rule, not a third party entity. Regardless of where the office is located, FS is making the ultimate decision of whether a road will or will not be constructed. The proposed rule clearly states that roads may not be constructed or reconstructed in the unroaded portions of inventoried areas of the National Forest System unless the road is needed for public safety, for environmental response or restoration, for outstanding rights or interests protected by statute or treaty, or to prevent irreparable resource damage. See, Section 294.12, *Fed. Reg.*, p. 30288.

Direct Impacts on Small Entities

Moreover, small entities will be directly affected as a result of FS' decisions. The word "direct" is defined as "to regulate the activities or course of action thereof; stemming immediately from a source, cause, or reason; operating without agency or step..."² Small entities that already operate in national forests will have their operations seriously curtailed. (FS recognizes that the majority of these entities are small.) These and others, like the construction companies that build the roads, may have developed their business plans based on expectations of continued access and as a result of previously published FS plans. These impacts need to be evaluated. FS has some data already that would allow it to do so. For example, according to Tables 4 and 6 of the IRFA, the proposal estimates that there will be a 45% reduction in forest harvest in the Manti-Lasal National Forest alone in Utah. Other forests, such as Dixie (Utah) and Shoshone (Wyoming) will experience reductions in harvest that exceed 20%. In Montana, the Helena Forest will experience a reduction in total harvest volume of 12%. In those same areas of the country, FS controls more than 50% of the forested land base.³ For example, FS controls 52.3% of forested land in Montana; 66.6% of the land in Wyoming; and 68.5% of the forested land in Utah.⁴ Considering the vast amount of area owned by the FS, moving to or procuring from another location to harvest or process natural resources may be unrealistic or a short term solution. The end result of this proposal may be the ultimate demise of small businesses and small governmental jurisdictions that rely on the resources.

Advocacy recognizes that there is a substantial public policy interest in maintaining the natural beauty of the national forests and protecting the environmental resources found in the national forests. However, just these few examples indicate that the overall impact of this initiative could be economically devastating to many small businesses. The high percentage of reduction, combined with the fact that FS owns such a high percentage of the land in some areas, indicates that this rule may have a direct economic effect that cannot be recouped at other locations by the small entities that rely on them. Since the FS has some data, and will receive additional data from the comment period, it is not plausible for FS to continue to maintain that the proposal will not have a direct effect on small entities.⁵

² The Merriam Webster Dictionary.

³ Testimony of Mr. Frank Giatics, President of Independent Forest Product Association, before The House of Representatives Subcommittee on Rural Enterprises, Business Opportunities, and Special Business Programs, Tuesday, July 11, 2000, pp. 9-10.

⁴ *Id.*
⁵ Advocacy notes that FS may be arguing that the RFA does not apply because the use of FS property for harvesting natural resources is a future activity that may or may not occur, depending on the decision of the forest planners. While this argument may have some validity, it is not necessarily convincing. Some of the land that is being placed off limits by the initiative was originally targeted for resource harvesting. As a result of this rule, forest planners will not be able to allow the original tentative multiple use plans to be implemented. Small entities may have relied on the original plans in making business decisions. This issue should be addressed.

Information Provided By the Public Must Be Addressed in the FRFA

At the time of the proposal, FS asserted that they could not perform a complete IRFA because it lacked sufficient economic information about the economic impacts on the industry. Because its information was insufficient, FS provided a list of questions in an attempt to obtain the necessary information from the public. In reviewing the comments from the public, Advocacy hopes that FS will give full consideration to the information provided by the industry in response to FS' solicitation for additional information and perform an analysis that reflects 1) the impact on small entities that had access to resources that will have limited or no access after the rulemaking; 2) the impact of the regulation on small entities that were relying on future activities that will not occur as a result of the regulation; and 3) the impact of the regulation on activities outside of the FS lands (i.e. small communities).

Since our comments are being submitted prior to the close of the comment period, we cannot comment on the full scope of the information that FS may receive from the public regarding the economic impacts of this rule. However, we have received some information from the industry about potential impacts. The early information received indicates that the impact may in fact be significant. For example, representatives of the timber industry, which FS acknowledges is primarily dominated by small businesses, assert that FS controls 73.3% of the saw timber in Montana; 80.8% of the saw timber in Wyoming; and 85.4% of the timber volume in Utah.⁶ In the IRFA, FS asserts that the reduction in harvest as a result of this rule could range from 1 to 8% depending on the location.⁷ Fed. Reg. at 30286. Considering the high dependence on FS timber in certain areas, a 1 to 8% reduction could be economically significant. If not, FS needs to provide data showing why it is not economically significant to support its conclusion in the FRFA.

Moreover, the mining industry has indicated that the proposal disallows mining on 43 million acres of federal land. It asserts that more than \$7 trillion dollars of coal and metal resources will be placed off limits by the proposed rule.⁸ If this is not correct, then FS must explain why these resources will still be available and the approximate costs of obtaining access to the resources in areas where road construction and reconstruction is prohibited.

Economic effects such as these cannot be ignored. These early numbers indicate that the impact may indeed be significant. FS needs to explain why they are not significant and provide this information to the public. On the other hand, if the analysis indicates that the impact is indeed significant, Advocacy asserts that FS must fully address this in the FRFA and possibly repropose the rule.

⁶ *Id.*

⁷ On the surface, the percentages in the IRFA summary appear to be inconsistent with the tables found in the IRFA. FS needs to explain the inconsistencies found in the documents.

⁸ Testimony of Laura Skuter, Northwest mining Association

Alternatives Provided By Public Must be Given Full Consideration

The RFA requires an agency to consider alternatives to the proposal and provide a statement of the factual, policy and legal reasons for selecting the alternative adopted. 5 USC §605. If a reasonable alternative is provided from a member of the public, the agency must give it its full consideration. In its testimony before the House Subcommittee on Rural Enterprises, Business Opportunities, and Special Small Business Problems, the Northwest Mining Association suggested the alternative of allowing temporary roads, on an as needed basis, with either natural or affirmative reclamation. While Advocacy acknowledges that it is not an expert in forest planning, this seems like an alternative in allows harvesting of natural resources while assuring that the forests are not permanently damaged or irreparably harmed. At least the mitigating impacts of this alternative should be carefully analyzed.

Northwest Mining's suggestion is only one of what may be several strong alternatives offered by the public as a less burdensome solution to the problem. Failure to fully address alternatives that may provide a workable solution to the problem may violate the RFA and raise questions as to whether the agency actions were arbitrary and capricious. If challenged, a court may find that FS' treatment of alternatives was insufficient.

In addition, Advocacy believes that FS should require local FS planners to require local FS planners to perform an RFA analysis in drafting future forest plans that implement this rulemaking to assure that the implementation minimizes the economic impact while achieving the goal of preserving the environment. RFA compliance will provide the public with information necessary to participate fully in the rulemaking process and possibly provide suggestions as to ways that may make implementation less costly.

Conclusion

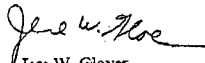
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential economic impact of this proposal on small businesses and small communities could be devastating. Prior to implementing such a rule, FS should make every attempt to understand fully the economic impact of its actions and to find less burdensome or mitigating alternatives. In the alternative, it should explain fully why these alternatives will not help FS achieve its environmental objectives. As Advocacy has stated on several occasions, the requirements of the RFA are not intended to prevent an agency from fulfilling its statutory mandate. Rather, it is intended to assure that the economic impacts are fairly weighed and considered in the regulatory decision making process.

The public has an interest in knowing the potential economic impact of a particular proposed regulation. As the court stated when remanding a rule to the agency in *Northwest Mining v. Babbitt*, "While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are

affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process as directed by Congress." *Supra* at 13. Providing the public with a complete economic analysis that fully discloses the potential impact of the action and considers less burdensome alternatives not only complies with the requirements of the RFA, it also complies with the basic tenets of sound public policy that balance conflicting interests.

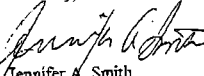
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



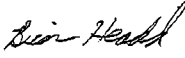
Jere W. Glover
Chief Counsel
Office of Advocacy

Sincerely,



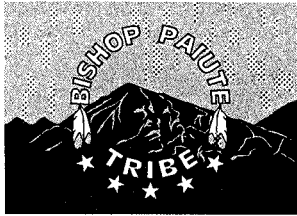
Jennifer A. Smith
Assistant Chief Counsel
for Economic Regulation &
International Trade

Sincerely,



Brian Headd
Economist

Cc: Charles Rawls



BISHOP TRIBAL COUNCIL

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CAET RECEIVED
JUL 13 2000

March 15, 2000

Jeff Bailey, Supervisor
Inyo National Forest
Bishop, CA 93514

Dear Jeff:

The Bishop Tribal Council appreciates the opportunity to respond to the Notice of Intent to prepare an EIS protecting roadless areas.

The Bishop Tribal Council appreciates the efforts of the US Forest Service to protect and manage and the natural resources and cultural sites now under their management. These resources and sites remain intrinsic to our people's cultural and religious beliefs and customs. We believe that the unique trust responsibility the Forest Service has to the Indian people unquestionably includes providing access at any time to areas and sites that are of cultural and religious significance to us. As you know, the remains of our ancestors and the evidence of their existence are sacred to us, as are the natural resources that to this day provide for our sustenance and cultural and spiritual needs. So, while we offer our comments on protecting roadless areas, we do so with the understanding that the Forest Service will continue to work with our Tribe to ensure our unrestricted access to and use of the natural resources and sites throughout our ancestral homelands.

The Bishop Tribal Council believes that it is extremely important that the US Forest Service live up to its trust responsibility to protect tribes' rights regarding freedom of religion. This trust responsibility cannot be separated from issues of access.

We support a plan throughout the forest (not just in roadless areas) that includes no new road construction anywhere in the Inyo National forest. Most importantly, we believe there should be no new roads within a perimeter of three to five miles of known cultural sites. If road construction must occur, it should occur only in areas that are already highly impacted by unregulated human encroachment. In addition, existing roads should be closed where there is evidence of environmental and / or cultural site degradation has occurred or is occurring.

Our specific concerns regarding the EIS protecting roadless areas relate primarily to the large number of acres involved and our desire to maintain access for our Elders so that we may preserve our cultural and spiritual traditions.

In California, a vast acreage is considered roadless. Any of these areas may include important cultural and spiritual areas. The Bishop Paiute Tribal Council is concerned that access to these cultural and spiritual areas be maintained for our people. Our Elders are the keepers of our

traditions. Many are unable to walk long distances. The only way we can continue our traditions and teach our young people about them is by having our Elders take us to these important places. Our most knowledgeable Elders are frail and are not able to travel long distances by foot. Any plan governing the management of roadless areas must maintain access to spiritual and cultural sites for traditional purposes.

Thank you for your consideration of these issues. We hope to discuss them with you at our next regularly scheduled meeting.

Sincerely,

M Bengochia
Monty Bengochia, Chair
Bishop Tribal Council

PAIUTE PROFESSIONAL BUILDING • 50 TU SU LANE • BISHOP, CA 93514
PHONE (760) 873-3584 • FAX (760) 873-4143

E-Mail mervin@telis.org

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Confederated Tribes of Grand Ronde
Natural Resources Department
P.O. Box 10
Grand Ronde, Oregon 97347
Contact: Cliff Adams (503) 879-2375

Ketchikan Indian Corporation
2960 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-5158
Fax (907) 247-0429

USDA Forest Service - CAET

T T T 5

July 14, 2000

The Fish and Wildlife Committee and the Timber Committee of the Confederated Tribes of Grand Ronde are offering comments regarding the "Roadless Area Conservation Proposed Rule".

The Tribal Committees are requesting that the following items be considered when adopting the Rule:

- 1. Recreation within the Roadless areas continue to be allowed
- 2. The existing roads be maintained and not closed to allow public access
- 1. Rules and policies regarding management and any restrictions in the Roadless Area be decided at the local level
- 2. Continue to acknowledge the rights and historical uses of The Native American Tribes in the proposed Roadless Areas
- 1. Continue to consult with The Native American Tribes regarding any future proposals or decisions other than what has been proposed as the preferred alternative for the "Roadless Area Conservation Proposed Rule".

USDA Forest Service - CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

FACT RECEIVED
JUL 17 2000

Dear Sirs:

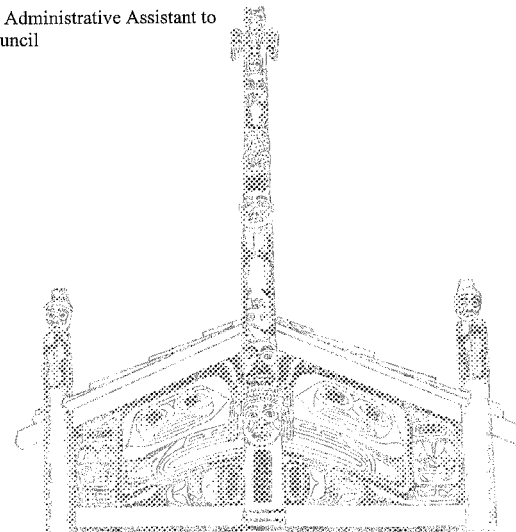
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

If you have any questions, please feel free to contact me at: (907) 225-5158.

Sincerely,

Cheryl Haven, Administrative Assistant to
KIC Tribal Council

Enclosure



KIC

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Ketchikan Indian Corporation

2960 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-5158
Fax (907) 247-0429

Testimony for the Roadless issue
Discovery Center
6:00 p.m.

Position Statement

submitted by Merle Hawkins, Tribal Council and Subsistence Committee Chair

KIC Tribal Council would like to see Gravina Island remain a roadless area for the following reasons:

- ◆ Historically, and currently it is still is used by Alaska Native people from the Ketchikan area for subsistence fishing, gathering and hunting.
- ◆ The Saxman people use it and they have Rural status.
- ◆ This is traditional land of the Tongass Tribe, and although they are not federally recognized IRA Tribe, I represent them as an IRA Tribal Council. A respected Tongass Tribal leader, Esther Shea, said during the March 2000 Traditional Ecological Knowledge Conference, Co-hosted by Ketchikan Indian Corporation and the U.S. Forest Service: "We may not own the land anymore, but in our hearts it's ours." Her words are etched in our hearts.

The Forest Service is proposing a timber sale on Gravina Island with a proposal for road building in several alternatives. KIC opposes **any** road building on Gravina Islands public lands.

I recently met with other land holders of Gravina - DNR, Forest Service, Ketchikan Gateway Borough, Fish and Wildlife etc., for discussions of the following concerns:

- ◆ We are concerned that if roads are built on Gravina that the State DNR will again reopen the roads and clear cut all of their land on Gravina.
- ◆ The Forest Service would like to open the lands up for recreational use also. They cannot afford to maintain the roads they have now, let alone assume the maintenance burden on additional roads.
- ◆ All of the proposed or possible activities would jeopardize the subsistence areas on Gravina, especially Bostwick inlet.
- ◆ Gravina Island is a pristine environment and needs to be protected from road building, timber harvesting, recreation or other activities that would alter its current roadless characteristics.
- ◆ Gravina Island has been used by many generations of Alaska Natives-Tlingit, Haida and Tsimshian, for traditional hunting, fishing and food gathering. KIC would like to see that this area is available for future generations.
- ◆ These subsistence gathering activities provide significant social and ecological values. There is a lot of archeological evidence on Gravina Island which shows how important this area was and still is. Any road construction would jeopardize these values.

The Forest Service proposed action, under the roadless alternatives, would be to evaluate the quality and importance of roadless characteristics. KIC does not feel that the Forest Service is qualified to do this. A conflict of inherent extent as they have the responsibility to provide a certain amount of timber for market demand within the Tongass National Forest. The same circumstance exists with recreational areas; the pressure for people in Ketchikan to provide more recreational areas, but Alaska is special because of its historical access by canoe or boat, and unique due to all the islands.

- ◆ The Forest Service protects public lands on Gravina with multiple use objectives.
- ◆ If Gravina is opened up for recreation, you cannot protect the island's public land.
- ◆ Multiple use objectives would not work.
- ◆ Leaving that decision up to a local Tongass Ranger does not make sense as we get a new one about every three to five years and they do not know the local people.
- ◆ By the time they (new Rangers) acquire some of this knowledge they get transferred and the people suffer from their decision. Building roads on Gravina to Boswick would be mismanagement, timber harvest, road building and recreational use are not compatible with subsistence.
- ◆ KIC's position is that any timber harvest, road access, or recreational use on Gravina would have a detrimental environmental impact on the subsistence resources of the Island and waters.
- ◆ KIC opposes any timber harvest and/or any recreational use or development on Gravina Island.
- ◆ KIC supports Alternative # 4, 4D with full Tongass inclusion, **no road building on the**

Tongass.

Merle Hawkins

Signed: Merle Hawkins, KIC Tribal Council

and Subsistence Committee Chair

July 13, 2000

Date

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The Klamath Tribes

P.O. Box 436
Chiloquin, Oregon 97624
Telephone (541) 783-2219
Fax (541) 783-2029
800-524-9787

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CAET RECEIVED

JUN 29 2000

June 19, 2000

The Honorable Dan Glickman
Secretary of Agriculture
United State Department of Agriculture, Room 213-A
14th Street and Independence Avenue, SW
Washington, D.C. 20250

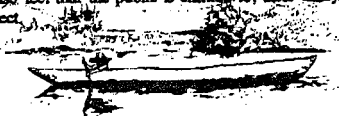
Dear Secretary Glickman:

As Chairman of the Klamath Tribes, an organization within Klamath County that has a major concern with establishing and maintaining a diversified and viable economic base within the Klamath Basin, I have been asked to comment upon the impact of the President's Roadless Plan (64 Federal Register 56306, October 19, 1999), particularly as it may impact the Pelican Butte Ski project under consideration in the Winema National Forest and, ultimately, the Klamath Tribes Economic Self Sufficiency Plan, currently in the final stages of preparation for the Secretary of the Interior and the Congress. Without the benefit of having all the data needed yet, it does appear that this project, if successfully implemented, will have a significant positive financial impact on the Tribes' Economic Self Sufficiency Plan.

Without being able at this time, due in large part to the unavailability of the final EIS and other economic data, to address whether the Tribes will ultimately support or not support the project based upon its environmental, Tribal cultural and economic impacts, we strongly feel that, given the potential impacts to the entire community, this project should be provided a "grandfather" clause exemption to complete its EIS process and presentation to the Basin community for their consideration.

Several factors argue strongly for this exemption. First, this project has been under review and development by the Forest Service, the City of Klamath Falls, and private developers for over thirty years. It has always been a part of the regional economic development industrial diversification plan of a devastated timber dependent community. It needs resolution.

Second, the developer undertook the project at the invitation of the Forest Service under its Winema National Forest Plan, agreeing to prepare and write an Environmental Impact Statement under NEPA requirements. Given the years and \$3.75 million spent in good faith on a project under the previous rules, we feel that the research, feasibility and environmental impact analysis should be completed and placed before the public for their information. We also feel that the public is entitled to, after thirty years to render their position on the project.



D. Glickman, U.S. Sec of Ag., June 16, 2000
Page 2

Finally, the Tribes and I, personally, have spent a great amount of time and energy participating in six different community committees evaluating this project. We feel that there is a responsibility to the great number of hours and effort that many of our community leaders have put into this project over the years.

No organization or peoples in the Klamath Basin is more concerned with the environment and the protection of the forest that the Klamath Tribes and we are committed to the restoration and preservation of all lands and resources that are currently or will ever be under our jurisdiction. This position does include the recognition of the need for the Tribes and the general community to have a protected, multi-use forest for the benefit of all. In order to be able to determine which projects are beneficial and needed or not, we do need to have these project processes completed.

Sincerely,

Allen Foreman
Tribal Chairman
The Klamath Tribes

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D. Glickman, U.S. Sec. of Ag., June 16, 2000
Page 2

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Sincerely,



Allen Foreman
Tribal Chairman
The Klamath Tribes



Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

July 14, 2000

USDA Forest Service - CAET
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

RE: Roadless Areas Proposed Rules

Dear Madam or Sir:

The Nez Perce Tribe appreciates the opportunity to comment on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). The Tribe recognizes and appreciates the enormous effort put forth by the Forest Service in developing these important protection measures for the Nation's valuable roadless areas.

The Nez Perce Tribe strongly supports the Roadless Area Conservation Proposed Rule. We believe that this rule represents a positive step forward to protect the lands the Forest Service has been assigned to protect and manage.

By virtue of the Treaty of 1855, the Nez Perce Tribe maintains treaty-reserved rights to hunt, fish, gather, and pasture cattle and horses within "open and unclaimed lands." These treaty lands include vast areas encompassed in the National Forests of northeastern Oregon, southwestern Washington, and Idaho. The Tribe believes that the protections provided for by this rule would be consistent with the treaty and trust responsibilities of the United States to preserve, protect, and enhance tribal treaty rights and treaty-reserved resources.

Further, this rule appears to be consistent with the salmon recovery plan adopted by four of the Columbia River treaty Tribes, including the Nez Perce Tribe. *Wy-Kan-Ush-Mi Wa-Kish-Wit: Spirit of the Salmon* calls for, amongst other actions, a decrease in roaded miles in managed watersheds, as well as improved drainage and decreased sediment delivery from roads that will not be obliterated or relocated.

It is critical that the Forest Service recognize and consider how this proposed rule would integrate with the federal government's salmon and steelhead recovery efforts for the Columbia River basin. The Conservation of Columbia Basin Fish or "All-H Paper" produced by a number

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of federal agencies, including the Forest Service, calls for a number of habitat measures to restore imperiled fisheries. The Forest Service and other federal agencies must recognize the importance of the measures called for in the proposed rule to these efforts, especially if the federal government fails to take decisive action to restore salmon and steelhead such as Snake River dam drawdown.

In addition to these general comments, the Tribe has the following specific comments:

1. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is necessary pursuant to reserved or outstanding rights as provided for by statute or treaty." This exception should be revised to explicitly state that road construction and reconstruction may occur to ensure exercise of tribal treaty-reserved rights.
2. The proposed rule provides that roads may be constructed or reconstructed if "[a] road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, section 311 of the Clean Water Act, or the Oil Pollution Act." In addition, roads may be constructed or reconstructed if "needed to protect public health and safety ... that, without intervention, would cause the loss of life or property." These sections should be revised, expanded, or clarified to allow road construction and reconstruction to protect the habitat of endangered or threatened species from an imminent threat of flood, fire, or other catastrophic event that would cause the destruction of the species or of critical habitat.
3. Pages 4-2 and 4-3 of the Draft Environmental Impact Statement (Volume 1) describes tribal consultation. This section describes how "Forest Service field line officers were directed to personally initiate contact with all potentially impacted tribal leaders." While such contacts were made and detailed presentations were made about the proposed rule, the local Forest Service staff had no authority to conduct a meaningful consultation on the rule or its impacts to the Tribe. Executive Order 13084 provides that each "agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." According to the President's April 29, 1994 memorandum regarding Government-to-Government Relations with Native American Tribal Governments, federal agencies "shall assess the impacts of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that Tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities." Consultation is the formal process of negotiation, cooperation, and mutual decision-making that ultimately leads to the development of a decision, not just a process or a means to an end. Consultation does not mean notifying the Tribe that an action will occur, requesting comments on that prospective action, and then proceeding with the action. In this scenario the decision is not affected. As such, the Tribe requests that appropriate staff be directed to conduct meaningful consultation with the Tribe on the further development of the proposed rule.

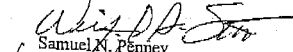
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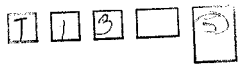
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The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments, please feel free to contact Rick Eichstaedt in the Office of Legal Counsel (208-843-7355). Thank you.

Sincerely,


Samuel M. Penney
Chairman

43977



43977

DATE: July 17, 2000

TO: USDA Forest Service

FROM: Sally Nickelson
Wildlife Program Coordinator
Point No Point Treaty Tribes

RE: DEIS Roadless Areas Proposal

I am the Wildlife Program Coordinator for the four Point No Point Treaty Tribes (which include the Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam and Lower Elwha Klallam Tribes) located on the Olympic Peninsula in Washington State. These four tribes strongly support the proposal in the DEIS to maintain current roadless areas in perpetuity. We support protecting all roadless areas, regardless of size and/or whether they have been inventoried. Even small patches of the late-successional habitat found in roadless areas can provide essential habitat and refugia for many species.

Our four tribes retained off-reservation fishing, hunting and gathering rights when they signed their treaty in 1855. Tribal members use Forest Service land for hunting, gathering and spiritual purposes. In addition, upstream land use practices on Forest Service ownership greatly influence fish habitat downstream. High road density, and concomitant road failure, has been a primary cause of fish habitat destruction and decline in salmon populations on the Olympic Peninsula.

Elk is a species of great cultural importance to these four tribes. Unfortunately, during the past 10 years, elk populations on the Olympic Peninsula have declined rapidly, in part due to overharvest because of easy access on the extremely dense road network on both Forest Service and private industrial timberland. In many areas on the Peninsula, road density is 6 miles of road for every square mile of habitat. This high road density increases the vulnerability of wildlife species to both legal and illegal hunting to a point where many local populations can no longer maintain themselves. The Point No Point Tribes closed two Game Management Units to tribal elk hunting in the past decade because of population declines. One of these, the Skokomish Game Management Unit, contains a culturally important herd that ranges along the South Fork Skokomish River. The upper reaches of this river contains one of the proposed roadless areas, which can serve as a refuge for the elk during hunting season, when seasons are reopened.

In addition, roadless areas generally contain older trees, and can provide old growth habitat for species dependent on late successional forest, including the federally listed Northern Spotted Owl and Marbled Murrelet. The Tribes support completely protecting all remaining late successional habitat (not only from road building, but also from other destructive uses such as helicopter logging, grazing, mining, and ATV use). Some culturally important plant species are found primarily in old growth stands, and many of these stands have spiritual significance.

Our tribes disagree with previous federal policy of subsidizing private timber companies by building and maintaining roads so that the private companies could log public land. This was usually done at a fiscal loss

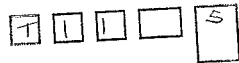
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

Our tribes urge the Forest Service to completely protect the few remaining roadless areas on their ownership in perpetuity. Unfortunately, most of these roadless areas occur at high elevation in very steep terrain, which is marginal habitat for most wildlife species. In addition to protecting already roadless areas, we suggest that the Forest Service reduce road density in the more productive low elevation stands to protect both wildlife species and fish habitat. Maintaining tribal access to Forest Service land for treaty hunting and gathering is critical. However, a balance must be achieved between reasonable and dispersed access and reducing road density to decrease vulnerability of game species to hunting and poaching. We believe that scarce dollars should be spent in decommissioning many roads and upgrading the remaining ones to current standards, not in building new roads.

Thank you for the opportunity to comment on this important proposal.

Sincerely,

Sally Nickelson
Wildlife Program Coordinator
Point No Point Treaty Tribes
7999 NE Salish Lane
Kingston, WA 98346
360-297-6540



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13 July, 2000

USDA Forest Service
 Attention: Roadless Area NOI
 Box 221090
 Salt Lake City, UT 84122

Subject: Roadless Initiative --- Proposed Rule and DEIS

To Whom It May Concern:

Sealaska Corporation appreciates the opportunity to respond to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement, dated May 2000. This EIS results from the proposal by the Forest Service to review the National Forest System Roadless Areas Initiative as published in Federal Register/Vol. 64, No. 201/ Tuesday, October 19, 1999 (p56306-56307).

Sealaska Corporation, the Regional Native Corporation for Southeast Alaska, was created under the Alaska Native Claims Settlement Act (ANCSA) of 1971. Sealaska represents 16,000 shareholders whose heritage derives from Tlingit, Haida and Tsimshian Native tribes of Southeast Alaska. The economy of Southeast Alaska is dominated by the Tongass National Forest, largely because it surrounds all of our towns and villages.

Sealaska has determined that the Proposed Rule is inappropriate as a National policy; and specifically, should not be applied to the Tongass and Chugach National Forests. The basis for our determination is set forth in the following sections.

JUL 17 2000

On behalf of Sealaska Corporation, thank you for the opportunity to provide our comments regarding the proposed National Forest System Roadless Areas review. Sealaska reserves the right to provide additional comments should the deadline be extended.

Sincerely yours,

SEALASKA CORPORATION

Robert W. Loescher
 President and Chief Executive Officer

CC: The Honorable President Bill Clinton
 Lynn Cutler, Deputy Assistant to the President
 George Frampton, Council on Environmental Quality
 The Honorable Governor Tony Knowles
 The Honorable Senator Stevens
 The Honorable Senator Murkowski
 The Honorable Congressman Young
 S.E. State Senators and Representatives
 Alaska Speaker of the House
 Alaska President of the Senate
 SE Alaska Communities
 SE Alaska ANCSA Village and Urban Corporations
 ANCSA Regional Corporations
 Alaska Municipal League
 S.E. Conference
 Jack Phelps, Alaska Forest Association
 Resource Development Council
 Alaska Miners Association
 Rick Cables, Regional Forester
 TNF District Rangers
 Ed Thomas, Tlingit & Haida Central Council
 Jacqueline Martin, ANS Grand President
 Sam Jackson, ANB Grand President
 Rick Harris
 Chris McNeil
 Ross Soboleff
 Budd Simpson
 Alan Mintz
 Gregg Renkes

GENERAL COMMENTS

By delaying a decision on the exclusion or inclusion of the Tongass until 2004, the Forest Service will stop all investment in new manufacturing caused by uncertainty in the future timber supply. Delaying a review of the Tongass National Forest for inclusion effective 2004 is self-fulfilling in terms of assuring that demand for Forest Service timber will continue to diminish. The forest products industry is actively reconfiguring itself to utilize Forest Service timber from the Tongass National Forest at current supply levels. Active projects include veneer mills, ethanol manufacturing from wood wastes, and sawmill reconfiguration to fully utilize timber expected to be offered in stumpage sales. By placing the Tongass NF into a review category in 2004, the government is effectively closing the door on any opportunities to create a viable industry for the benefit of many communities. No company can be expected to pursue opportunities if there is a real risk that stumpage volume will not be available in as little as a few years.

If the Tongass National Forest (TNF) is included in the Proposed Rule no roadless areas should be designated without first conducting a detailed analysis of alternatives. This analysis must be very broad to identify all impacts such designations may have on the people that reside within the TNF. This analysis must go beyond the biological analysis and include analysis on subsistence, cultural, social, economic, job and family sustainability that will be affected by such designations. Further, the analysis must evaluate the result of any site specific designation on the ability of the TNF to meet other Federal obligations made to the State of Alaska and Alaska Natives through prior laws and land agreements regarding land and resource allocations from the TNF. Specific agreements, geographic areas and communities that should be included in the analysis are described in further detail in the following sections.

DETAILED COMMENTS

1. The Proposed Rule recommends a categorical elimination of road construction in roadless areas. This proposal is contrary to Federal law and recommendations of the "Committee of Scientists" (COS). The

scope of analysis and alternatives must rectify these obvious conflicts with National forest policy and laws and recommendations of the COS.

- ◆ The Proposed Rule eliminates all road construction and designates roadless areas on the National Forests which is against the law. The National Forest Management Act (NFMA) establishes a process for forest planning, including new roadless management policy, when the agency proposes significant changes to a forest plan. Development and implementation of a new roadless management policy will constitute a significant and major plan amendment because it will affect the classification and use of resources on millions of acres of forestland.

Under NFMA, a plan amendment which results in a significant change in a plan must undergo the same land management planning process that is used for original and revised plans including, but not limited to, the preparation of an environmental impact statement (EIS) in accordance with NEPA. The proposed Roadless Initiative NEPA-EIS is not consistent with the NFMA because the changes being proposed are not being done in the same manner as the plan itself was developed. In this case, a plan is developed by the Forest Supervisors using the NEPA process as the decision making process for meeting NFMA planning requirements (36 CFR 219.1 et seq). Hence a proposed amendment must follow the same process as the original plan including plan amendment occurring at the forest level.

- ◆ The Proposed Plan does not respond to the Report of the Committee of Scientists (COS) 1999. The COS recommends that the planning process consider a broad range of values, uses, products, and services. The process should be democratic, open and accessible with a large degree of public participation representing all stakeholders. It should be oriented to local areas with the highest level of approval being the Regional Forester. It should fit the organization, communication, and decision-making styles of the community; and should work to reduce the negative economic and social impacts of land-use changes.

The procedure by which the Administration is identifying areas for roadless designation accomplishes none of these recommendations. Alternatives must be included that meet the COS recommendations as described above.

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2. The Proposed Rule proposes to establish the criteria that must be used “through the forest planning process” to protect roadless areas. The scope of analysis overtly emphasizes biological protections and fails to consider the impacts of roadless designations on sustainability of affected communities, school funding and families that are dependent on National Forests for their livelihoods. The EIS alternatives analysis should include the following:

- ◆ Require that forest planning, including roadless designations, be done at the forest and local (community) level.
- ◆ Include authorities such that the roadless area designations can be vacated to manage for desired habitat characteristics, and provide reasonable road access if insect, disease, and fire outbreaks pose a risk to National forest and adjoining private and non-Federal public lands.
- ◆ The report of the Committee of Scientists (COS) finds the less populated areas of the west will suffer substantial economic and social dislocations due to their low economic and social resiliency. Practically all of the communities in Southeast Alaska have such low resiliency. The further designation of roadless areas on national forests would be devastating to those living in that region. For the reasons described by the COS, the criteria for designating roadless areas must be expanded to include specific requirements that ensure school funding and jobs are protected and that the resources on the national forests will be available to maintain sustainable communities and families. Consequently, the alternatives analysis must include options that preclude roadless designation (both inventoried and un-inventoried) if the areas being considered have resources that would contribute to the economic and social welfare of nearby communities. Alternatives must include preclusion of roadless designations if the affected communities meet one or more of the following criteria:
 1. Have a seasonally adjusted unemployment rate that is 5% above the average for the State.
 2. Have an average per student expenditure that is less than the average per student expenditure for the State.
 3. Have more than a 30% minority population.

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4. Have a per-capita income that is less than 10% of the average per-capita income for the State.
5. Requires road access across roadless areas for community infrastructure including municipal drinking water supply, development of hydroelectric power sources and access to regional road and transportation systems.
6. If roadless areas are designated and, subsequently, the community fails to meet the above benchmarks, the roadless areas can be rescinded as a plan amendment.

3 Federal laws preclude the inclusion of the Tongass National Forest and Chugach National Forest in the “Roadless Initiative”. Before either forest can be included under the Proposed Rule, conclusive legal authority to include these forests must be proven. The basis of excluding these forests follows:

- ◆ The temporary roadless suspension correctly exempts the Tongass and Chugach National Forest from the Roadless Initiative. That suspension should be made permanent due to the applicable Federal laws governing land designations in both forests. The legal basis for exclusion includes:
 1. Designation of additional roadless areas would violate the Alaska National Interest Land Conservation Act (ANILCA). ANILCA prohibits: (1) Forest Service studies that contemplate the establishment of additional conservation, recreation, or similar units; (2) the withdrawal of more than 5,000 acres of land, in aggregate, without Congress’s approval, and (3) the review of roadless areas of national forest lands in Alaska for the purpose of evaluating their suitability as wilderness.
 2. Under ANILCA § 1326, the Forest Service is prohibited from (1) using the plan amendment process, the moratorium, or any other process to conduct additional studies of public lands in Alaska, the single purpose of which is to set aside roadless areas from further development; and (2) withdrawing lands in excess of 5,000 acres in aggregate, without Congressional approval.
 3. ANILCA § 1326(b) prohibits the executive branch from studying federal lands in Alaska for the single purpose of considering

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whether to establish "a conservation system unit, national recreation area, national conservation area, or for related similar purposes." Unless authorized under ANILCA (16 USC § 3213(b)) or by Congress, the Forest Service is prohibited from studying any roadless areas during a plan amendment process, much less the administrative appeal process, if the purpose is to establish a conservation unit, recreation area, conservation area or any other unit serving related or similar purposes.

4. Congress expressly stated that the conservation areas established under ANILCA were sufficient protection "for the national interest in the scenic, natural, cultural, and environmental values on the public lands in Alaska." (15 USC § 3101(d)).
- ◆ In addition to the authorities that exclude both the Tongass and Chugach National Forest from any roadless initiatives, including this Proposed Rule. The following legal authorities further exclude the Tongass National Forest from further consideration:
 1. No regulatory or statutory process exists for the Forest Service to unilaterally change the revised TLMP during the appeal process or otherwise. Any determinations that the Forest Service attempts to make during the TLMP appeal process must be limited to correcting what the Forest Service agrees were legal errors in the TLMP planning process. Any other changes (including changes to the Tongass roadless area policy) must be pursued as a plan amendment through the appropriate forest planning regulations.
 2. In the Tongass Timber Reform Act (Public Law 101-626; (TTRA)), Congress addressed wilderness issues (16 USC 539(d)). The wilderness clauses dealt with designating wilderness areas, additions to areas, and certain roadless managed areas. There are no clauses stating that there shall be no more wilderness or roadless areas, because Congress foreclosed the creation of more such areas since it has reserved for itself the determination of wilderness and roadless areas per ANILCA and TTRA.
 3. The TTRA Title I-Forest Management Provisions; Sec. 101 amends Sec. 705(a) of ANILCA to read: "(a) Subject to appropriations, other applicable law, and the requirements of the

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National Forest Management Act of 1976 (Public Law 94-588), except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle."

- ◆ Under the Tongass Land Management Plan Record of Decision (1999) the Forest Service has established an allowable sale quantity (ASQ) of 187 mmbf. However, the application of the roadless initiative would substantively reduce the ASQ to about 50 million board feet. This volume will not meet the needs of local industry, and will have extensive negative effects on the Southeast Alaska regional economy. If the Tongass is included, the alternatives analysis must ensure that the roadless action will not preclude the Secretary from meeting the provisions of Title I, Section 101 of TTRA and preclude the Forest Service performing under its own forest management plan.
- 4. If the Tongass National Forest is included in the Proposed Rule, no areas should be designated until the scope of the analysis and alternatives are prepared that consider all impacts such designations may have on the people that reside within the TNF. The scope of analysis and alternatives should include the following:**
- ◆ The Tongass contains over 15 million acres of land. Over 6 million acres are placed in national monuments and wilderness areas. An additional 728, 000 acres are legislated Land Use Designation II (un-roaded) areas. Another 7.14 million acres prohibit road construction/reconstruction. About 1.5 million acres (10%) are left for development activities. Given the extensive ecological protections that already exist, the alternatives analysis, before concluding that additional roadless areas should be designated, must first conclusively prove that the current land allocations and management practices fail to provide clean-water, biological diversity, wildlife habitat, forest health, dispersed recreation and other public benefits.
 - ◆ The Roadless Initiative must not supersede or abrogate the rights of Alaska Natives to achieve their entitlements granted under the 1971

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Alaska Native Claims Settlement Act (ANCSA). The final rules must include unimpeded exercise of land selection rights and authority to use Native land and land selection entitlements to exchange for other for public land that may include roadless areas.

- ◆ The Forest Service must analyze the social and economic effects for each community in Southeast Alaska before designating roadless areas. Further, the alternatives analysis must be done on a local and a regional basis to quantify the cumulative effects, and to demonstrate that economy of scale industries can be sustained. There are numerous Southeast Alaska rural communities, whose residents are predominately Alaska Natives, who rely on the timber industry for a substantial portion of the economic activity necessary to assure community viability. Reductions in Forest Service timber sales as a result of the Proposed Rule will negatively effect the economic well being of these communities. The alternatives analysis must identify "realistic economic alternatives" that assure that these communities retain current or improved levels of economic and social viability.

Communities in Southeast Alaska, that must be included in individual social-economic studies include but are not limited to: Annette, Ketchikan, Hydaburg, Craig, Klawock, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Point Baker, Port Protection, Laboucher Bay, Meyers Chuck, Edna Bay, Cape Pole, Rowan Bay, Kake, Petersburg, Kupreanof, Wrangell, Sitka, Baranof Warm Springs, Tenakee Springs, Hoonah, Excursion Inlet, Gustavus, Juneau, Elfin Cove, Pelican, Skagway, Haines, and Klukwan. Most of these communities have been identified as having low resiliency.

- ◆ Southeast Alaska is developing an integrated regional transportation and energy system. Each community is improving their essential community infrastructure (e.g. municipal water supplies, and transportation infrastructure). Before any roadless designations occur, the analysis of effects and alternatives must be prepared that affect these major initiatives. Specific areas for analysis and alternatives development include:
- ◆ The State of Alaska is revising its regional ferry/road system to allow more efficient and economical travel throughout Southeast Alaska.

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Access must be preserved for the State's regional ferry/road transportation system.

1. On Prince of Wales Island, communities that are connected, or may be connected in the future by roads and powerlines include: Hydaburg, Klawock, Craig, Hollis, Kasaan, Thorne Bay, Naukati, Coffman Cove, Whale Pass, Calder mine, Laboucher Bay, Point Baker, and Port Protection. In addition, hydroelectric sites in the higher elevations of Prince of Wales Island need to be identified in order to eventually replace or supplement electric demands in these communities.
2. The current road access between Cape Pole and Edna Bay must be preserved. In addition, a hydroelectric facility servicing those communities may be feasible in the Mount Holbrook area on Koskiusko Island.
3. There must be a road corridor and power line corridor between Kake, Kupreanof and Petersburg to be developed when future economics make the project feasible.
4. Sitka must be allowed to have a road corridor to Rodman Bay on Peril Straits for potentially more efficient ferry access.
5. Although not warranted at the present time, there must be provisions for a future road and electrical intertie between Hoonah and Tenakee Springs.
6. Allowances must be made for a power line easement between Juneau, Greens Creek mine, and Hoonah.
7. Road access from Skagway and Haines to Juneau needs to be preserved along both shorelines of Lynn Canal so that the best access to Juneau can be preserved. In case the Taku River road becomes more viable, a road corridor must be included in any transportation plan.
8. In the future, Rowan Bay may find a source for hydroelectric power to replace diesel generation. The best sources probably are in the watersheds along the ridge that fronts onto Chatham Straits.

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◆ The DEIS does not present a balanced picture of characteristics attributed to roadless areas compared to roaded areas.

1. By utilizing current road building standards little or no foreign material is introduced into the riverine environment. Water is not degraded. In the Tongass National Forest and the rest of Southeast Alaska, best management practices (BMPs) dictate that roads be located and constructed so that pollutants do not reach streams. Roads systems are designed to avoid oversteep slopes. Full bench and-hauling are required on lesser slopes over a defined steepness. In many instances bridges are designed and constructed with abutments that are above stream banks. These and similar BMPs result in maining a high quality riverine environment. A reasonable amount of timber harvest is appropriate for every national forest in the United States. In the case of the Tongass NF, the Forest Service administratively has vastly exceeded reserving areas in a roadless category for the alleged protection of scenery, biodiversity, sustaining populations of indicator species, protection of salmon habitat, etc. This has resulted in much more land being reserved to a roadless category than is necessary to protect these non-commodity characteristics in every part of the national forest.

2. Development is not necessarily antagonistic to other values. In the Pacific Northwest, including Alaska, the modification of stream riparian areas, using methods such as partial timber harvest, has resulted in providing more food for invertebrates, which are the animals that initiate the food cycle that results in more food for fish. In addition, different species of anadromous fish prefer different kinds of in-stream habitat. Stream access allows fishery biologists to manage the habitat for the most desirable species. Forest Service and other scientists are discovering that secondary benefits can have a neutral effect or even positively accrue to stream productivity (Gregory et al¹, Martin², Murphy and Koski³, Murphy and Hall⁴, Murphy and Meehan⁵, Wipfli⁶).

¹ Gregory, S.V. et al. 1987. Influence of forest practices on aquatic production. Pp 233-255, In Salo and Cundy editors, Streamside Management, Forestry and Fishery Interactions Univ. Washington, Seattle.

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3. The DEIS has failed to adequately explain the many benefits that users enjoy due to the availability of Forest Service roads. The Forest Service has published reports that show that roads are being used with increased frequency by many citizens. Should road building be substantially restrained in the future, the impact on roaded areas will be very substantial. A great majority of the public demands easier access to enjoy the great outdoors compared to the very few who can afford to recreate in roadless areas. More, not less, area is needed to provide for multiple uses including recreation for people who prefer to drive, access for hunters, fishermen and subsistence gatherers, mineral exploration and development, and timber harvest. The final EIS must recognize the need for a different balance providing more favor for those who want the easier access.

In an October 12, 1999 letter, from Governor Tony Knowles to Mr. George Frampton, Chair, Council on Environmental Quality, Governor Knowles enumerated reasons why the Tongass National Forest should not be included. In that letter he stated that the TLMP process must be allowed to proceed, that "It would be an outrage because we were assured previously that the Tongass would not be included in this review...". "A change now in that course and direction would constitute a doublecross of the citizens of the State of Alaska." Sealaska fully supports the Governor's position that ANILCA and TTRA defined those areas in the Tongass National Forest that should be roadless. Those areas that shall be maintained for economic development including timber harvest, road construction, and mineral development.

² Martin, D.J., M.E. Robinson and R.A. Grotfendts 1998. The effectiveness of riparian buffer zones for protection of salmonid habitat in Alaska coastal streams. A Report for Sealaska Corporation, Juneau, Alaska. 85 pp.

³ Murphy, M.L. and K.V. Koski 1989. Input and depletion of woody debris in Alaska streams and implications for streamside management. North American Jour. Fish. Mgt. 9(4): 427-436.

⁴ Murphy, M.L. and J.D. Hall 1981. Varied effects of clear-cut logging on predators and their habitat in small streams of the Cascade Mountains, Oregon. Can. Jour. Fish. Aquat. Sci. 38: 137-145.

⁵ Murphy, M.L. and W.R. Meehan 1991. Stream ecosystems. American Fish. Soc. Spec. Publ. 19: 17-46.

⁶ Wipfli, M.S. 1997. Terrestrial invertebrates as salmonid prey and nitrogen sources in streams: contrasting old-growth and young-growth riparian forests in southeastern Alaska. Can J. Fish. Aquat. Sci. 54: 1259-1269.

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NO. 443 P. 2/3

JUL. 14. 2000 2:18PM

NO. 443 P. 3/3

Sitka Tribe of Alaska

Tribal Government Sitka, Alaska

Tribal Resolution 00-25

A Resolution of the Sitka Tribe of Alaska opposing inclusion of the Tongass National Forest in the U.S. Forest Service National Roadless Initiative Policy Review & Supporting Alternative T-1

- WHEREAS,** the Sitka Tribe of Alaska is a federally recognized tribal government responsible for the health, safety, welfare, and cultural preservation of over 3,000 tribal citizens residing in Sitka, Alaska; and
- WHEREAS,** Section 708 of the Alaska National Interest Lands Conservation Act of 1980 resolved roadless issues in a compromise bill establishing over 5,000,000 acres in 14 acres as Wilderness on the Tongass National Forest and the Tongass Timber Reform Act of 1990 added over 1,000,000 in additional Wilderness designations to maintain their wildland characteristics; and
- WHEREAS,** the Record of Decision signed by Undersecretary on the Revised Tongass Land Use Management Plan notes that the Tongass National Forest would be exempt from the roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and
- WHEREAS,** the Tongass National Forest is comprised of approximately 17,000,000 acres, of which 90% is currently un-roaded and approximately 50% of the current Tongass National Forest timber base would become included in the acres proposed for the Roadless Initiative; and
- WHEREAS,** the Tongass National Forest is essential in bringing in stability and certainty to the economy of SE Alaska, providing jobs for many families dependent on such stability and inclusion in the Roadless Initiative would cause economic harm to the region; and
- WHEREAS,** the implementation of the Roadless Initiative to the Tongass National Forest would greatly diminish access to all natural resources and may eliminate opportunities for the construction of future - transportation and utility corridors throughout SE Alaska.

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NOW THEREFORE BE IT RESOLVED, by the Sitka Tribe of Alaska strongly opposes the inclusion of the Tongass National Forest in the "Roadless Initiative" that the Sitka Tribe of Alaska supports Alternative T-1, further that the Sitka Tribe of Alaska supports the current Land Management Plan.

BE IT FURTHER RESOLVED, that the Sitka Tribe of Alaska opposes any unilateral actions to modify the Record of Decision as such actions are contrary to proper resource planning and circumvents the public planning process as mandated by the National Forest Management Act.

CERTIFICATION

The foregoing Resolution was adopted at a duly called and convened meeting of the council of the Sitka Tribe of Alaska held on July 13, 2000, at which a quorum was present, by a vote of 4 IN FAVOR, 1 AGAINST, AND 3 ABSENT.

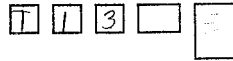
Larry A. Weisman
Sitka Tribe of Alaska - Tribal Chairman

Attest:

Doreen Jones
Sitka Tribe of Alaska - Tribal Secretary

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JUL 17 2000



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THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

NATURAL RESOURCES DEPARTMENT
P.O. Box C, Warm Springs, Oregon 97761

July 17, 2000

USDA Forest Service
Box 221090
Salt Lake City, Utah 97701

RE: Roadless DEIS/Proposed Rule

Dear Sirs:

The Confederated Tribes of the Warm Springs Reservation of Oregon ("CTWSRO") are pleased that the proposed roadless area rule protects unroaded portions of inventoried roadless areas from further road construction. As the DEIS recognizes, protection of these areas is critical to the health of our ecosystems, including fish, wildlife, and native plant populations. Although the proposed rule takes some solid first steps toward protecting remaining areas, it doesn't go far enough. We ask that you address the following concerns when making your final decision on roadless area protection:

1. We are disappointed that the proposed rule fails to go further and prohibit logging, mining, ORV use, and other detrimental uses in the unroaded portions of inventoried roadless areas. There are sufficient opportunities for these uses in roaded areas. Conversely, there are few areas that have not been degraded by these activities. The latter is particularly true for areas that support anadromous fish within CTWSRO ceded lands (see ICBEMP designation of A1 watersheds in Oregon).
2. Given the poor forest health conditions in the Columbia Basin (and presumably elsewhere), we are disappointed that uninventoried roadless areas receive no protection under the rule. The DEIS recognizes that unroaded and unlogged areas comprise our best remaining ecosystems. These areas generally offer little commercial harvest potential (hence their unroaded condition) are in no need of "stewardship" or other types of treatment. You should reconsider extending automatic protection to roadless areas larger than 1000 acres. (See *Wj-Kan-Ush-Mi Wa-Kish-Wit (Spirit of the Salmon)*, The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm

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Springs and Yakama Tribes (CRITFC, 1995), calling for cessation of logging, mining, and road construction in all roadless areas ≥ 1000 acres).

At a minimum, the rule should direct local units to immediately determine the suitability of uninventoried roadless areas for the protections given inventoried roadless areas. Putting off this analysis until forest plan revision is a mistake. Forest planning is a long process, and given current administrative burdens (ICBEMP implementation, ESA consultations, etc.) it is highly unlikely that forest plans will be revised in the foreseeable future. If analysis of these areas is put off until the next forest planning cycle, it is imperative that these areas receive interim protection through project-by-project analysis of roadless characteristics (procedural alternative D).

3. The proposed rule should offer some protection to inventoried and uninventoried roadless areas in the Tongass National Forest. While we understand the arguments in favor of a transition period, we strongly recommend providing interim protection for these areas. The DEIS states that "the Forest's] high degree of overall ecosystem health is largely due to the quantity and quality of its inventoried roadless areas" and 98% of southeast Alaska's fish runs originate on the Tongass. If so, and if many Tongass timber sales go unsold because of lack of demand, why not give some interim protection to the Forest's inventoried roadless areas? The DEIS statement that project-by-project analysis doesn't provide the appropriate scale for roadless analysis is puzzling; in reality, the lack of a project-by-project analysis ensures the forest will be unable to analyze roadless values at the appropriate scale because ad-hoc interim decisions will have compromised many roadless areas.

In summary, we commend the Forest Service for recognizing the value of roadless areas and undertaking this effort to protect the few remaining roadless areas in our national forests. Given the unquestioned importance of these areas, we urge you to reconsider providing stronger substantive and procedural protections for both inventoried and uninventoried areas, and for the Tongass National Forest.

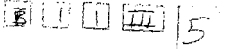
Sincerely,

Brad Nye
Off-Reservation Habitat Policy Advisor

cc: Tribal Council
Robert A. Brunoe, General Manager, Department of Natural Resources

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 Kootznoowoo, Incorporated
 U.S. Forest Service Roadless Area Testimony
 Angoon, Alaska
 June 29, 2000

RECEIVED

JUL 13 2000

Comments of Carlton Smith, CEO Kootznoowoo, Incorporated.

Kootznoowoo, Incorporated is the for profit Village Corporation for Angoon created pursuant to the terms of the Alaska Native Claims Settlement Act (ANCSA) for the benefit of the Alaska Native People of Angoon. Kootznoowoo represents over 900 shareholders plus an estimated 1000 additional family members.

Kootznoowoo owns approximately 32,000 acres of land conveyed as a result of the terms of ANCSA, the Alaska National Interest Lands Conservation Act (ANILCA) and through private acquisitions. Kootznoowoo also has access, development and traditional use rights to lands located within the Kootznoowoo Wilderness in the Admiralty Island National Monument, as well as the right to select additional land on Prince of Wales and Chichagof Island.

The lands Kootznoowoo owns are located throughout Southeast Alaska. These include approximately 21,000 acres on Southern Prince of Wales Island, 8000 acres in the Mitchell Bay, Kanalku Bay and Favorite Bay areas of the Kootznoowoo Wilderness; and, 3500 acres of land on the Angoon Peninsula and Killisnoo Island, along with a couple of hundred acres of private acquisitions, within the boundaries of the Admiralty Island National Monument and Kootznoowoo Wilderness.

In addition, Kootznoowoo has hydro power development rights, which it intends to exercise, to 14,500 acres of land in the Kootznoowoo Wilderness. And, Kootznoowoo has co-management rights to thousands of acres in Mitchell, Kanalku and Favorite Bays and their environs, pursuant to section 506 of ANILCA.

All of these lands and rights were conveyed to Kootznoowoo in recognition of the historical aboriginal ownership, rights, and uses by the Tlingit People of Angoon. And, to help provide for their current and future subsistence, cultural, employment, economic and social needs.

After consideration of these rights, and the needs of its Shareholders and their families; and, after careful consideration of the Roadless Areas Proposal; and, after consultation with Sealaska Corporation, Kootznoowoo, Incorporated encourages the Forest Service to abandon the idea of imposing the Roadless Areas in the Tongass and Chugach National Forests.

The reasons for our objections to this proposal are many, but we will speak to a few key points.

1. The Administration's Roadless Area Proposal will violate the terms and conditions of ANCSA, ANILCA and the Alaska Statehood Act. All of these acts provide for access to ANCSA lands and Alaska's isolated communities. They were enacted by Congress after long and careful deliberations and they cannot be overturned or have their purpose defeated by unilateral administrative fiat.

In summary, Kootznoowoo encourages the Forest Service to discard the Roadless Area Proposal for Alaska and return to professional multiple use forest land planning. There are many existing laws, regulations and plans that protect and manage the environment. The Roadless Area Proposal is not the way to achieve ecosystem protection.

On behalf of Kootznoowoo and its family of Shareholders, thank you for this opportunity to address this important issue and thank you for considering these comments.

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

FRANK H. MURKOWSKI, Alaska, Chairman
 PETER W. DOMENICI, New Mexico
 DON NICLES, Oklahoma
 LARRY E. CRAIG, Idaho
 BEN NICHOLSON, Colorado
 CRAIG THOMAS, Wyoming
 GORDON SMITH, Oregon
 JIM BURNING, Kentucky
 PETER G. FITZGERALD, Illinois
 SLADE GORTON, Washington
 CONRAD BURNS, Montana

ANDREW D. LINDQUIST, STAFF DIRECTOR
 DAVID Q. OYE, CHIEF COUNSEL
 JAMES P. SEBINE, DEPUTY CHIEF COUNSEL
 ROBERT M. SIMON, DEMOCRATIC STAFF DIRECTOR
 SAM E. FOWLER, DEMOCRATIC CHIEF COUNSEL

OFFICE OF THE SECRETARY

2000 JUL 20 10:05

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United States Senate

COMMITTEE ON
 ENERGY AND NATURAL RESOURCES
 WASHINGTON, DC 20510-8150

WWW.SENATE.GOV/-ENERGY

E 2 1 5

June 20, 2000

The Honorable Dan Glickman
 Secretary of Agriculture
 United States Department of Agriculture
 Room 213-A
 14th Street and Independence Ave., S.W.
 Washington, D.C. 20250

35-4156142

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NOT RECEIVED

JUL 14 2000

Dear Secretary Glickman:

We are writing to express our concern that the President's new roadless area initiative will preclude the possible development of the proposed Pelican Butte ski area in southern Oregon. The ski area proposal, which was encouraged by the Forest Service, is currently undergoing the appropriate environmental reviews required by the National Environmental Policy Act (NEPA) and the President's Northwest Forest Plan. As a matter of fairness for those who have invested time, energy, and trust in this collaborative process, we believe some accommodation should be made for this unique case in any final roadless area plan.

As you may be aware, the Forest Service, in compliance with NEPA, is currently reviewing the proposed Pelican Butte ski area which would be located in the Winema National Forest near the town of Klamath Falls, Oregon. Under current regulations, the Pelican Butte ski area can only be approved through a site-specific Environmental Impact Statement (EIS). While the site-specific process does not guarantee approval of the ski area, it does provide a framework for evaluation of how recreational development can meet strict ecosystem management standards.

The Pelican Butte project is now very near completion of possibly the most rigorous environmental assessment ever conducted for a potential ski area -- an effort spanning three and one half years and expending over \$3.75 million. The Pelican Butte Ski Area EIS team has spent the past eight months studying the project's effects and expanding on studies prepared for the 800-page draft EIS that was released by the Forest Service in October of 1998. The Forest Service received more than 11,000 comments on the draft EIS, with overwhelming support from the Klamath Falls area. This strong local support is based on the economic expectations and societal benefits that this development represents to the people of southern Oregon, who have struggled to find economic development alternatives to the traditional forest products industries. A final EIS and Record of Decision on the Pelican Butte proposal are scheduled for completion in early 2001.

The Honorable Dan Glickman
 Page Two

Now, however, it appears that the more recently proposed plan for the management of roadless areas, if completed as scheduled this year, will effectively block any future implementation of the Pelican Butte project. There is no indication from the Forest Service that any accommodation will be made in the final roadless plan for unique site-specific proposals, such as Pelican Butte.

We believe that allowing the new roadless area initiative to change the rules under which this ski area proposal is decided would be fundamentally unfair to the local rural community that has worked in good faith with the Forest Service through every step of the NEPA process. Short-circuiting this review when it is so near completion, would not only be wasteful and unfair, it would also send the wrong message to the thousands of people that have participated in the Pelican Butte project to this point.

For the above reasons, we would appreciate your assistance in ensuring that the Pelican Butte process is allowed to progress without regard to the roadless initiative, but in full compliance with current environmental law. We look forward to working with you on this important matter.

Sincerely,

Gordon H. Smith
 United State Senator

Frank H. Murkowski
 Chairman

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

July 17, 2000

P.O. Box 110001
Juneau, Alaska 99811-0101
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

United States Department of Agriculture Forest Service-CAET
Attention: Roadless
P.O. Box 221090
Salt Lake City, UT 84122

Via Fax Number (877) 703-2494

The State of Alaska appreciates the opportunity to submit comments on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

I support the exclusion of both the Tongass and Chugach National Forests from the roadless initiative. I am heartened the DEIS preferred alternative would defer decisions on additional protection of roadless areas in the Tongass until 2004, when they could be examined as part of the Tongass Land Management Plan (TLMP) evaluation process. As you know, I was a strong advocate of the TLMP process, which is the Forest Service's best tool for doing the job right in Southeast Alaska. I consistently advocated a policy of "Doing It Right," which is based on three principles:

1. Sound science;
2. Conservation based management including an adaptive management approach; and, an
3. Open public process that brings Alaskan stakeholders to the table.

I also called for a forest plan which would provide a reliable supply of timber for Alaska businesses engaged in high value-added manufacturing, while avoiding logging and logging roads in important fish and wildlife areas and areas of importance to local communities. I have detailed these concerns consistently for many years (see enclosed documents). After nearly 15 years of planning, and some \$20 million expended, the Forest Service first produced a TLMP Record of Decision, and then a controversial decision on the administrative appeals of that decision. Roadless areas and related values were carefully considered throughout the TLMP process, and many important areas were in fact protected in that plan. A major purpose of those protected, generally roadless, areas was to establish a science-based system of old growth reserves to ensure the viability of wildlife, fish, and other animal populations over the long-term. This was to satisfy the requirements of the Endangered Species Act and the National Forest

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July 17, 2000
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Management Act, thereby providing a predictable land allocation for forest resource industries. Throughout the TLMP process the repeated federal government promise was that TLMP would bring stability, balance and certainty to the Alaska communities and families which depend upon the many resources and uses of the Tongass forest. It is unacceptable for the federal government to renege on that promise by superceding TLMP with a federal fiat from Washington, D.C.

I am also concerned about the DEIS inclusion of Alaska's Chugach National Forest in the roadless area policy. Like the Tongass, the Chugach National Forest is an expansive forest within which lies small Alaska communities whose economies depend on resource related values. The natural resources of the Chugach also contribute to economies beyond the communities within the forest boundaries and throughout South Central Alaska. Transportation, wood products, mining exploration and production, and both commercial and noncommercial recreation are all enterprises with a strong connection to multiple use management of the Chugach.

As with the Tongass, the Chugach Land Management Plan (CLMP) process has been a sound one, with unprecedented public participation opportunities. The preliminary draft CLMP suggests most roadless areas will receive significant protection. Unlike the blanket roadless initiative, the CLMP process ensures evaluation and balancing of diverse uses, site-specific management prescriptions, and management flexibility.

According to the Draft Roadless EIS, however, the roadless initiative will apply to 98 percent of the forest. While this might not appear to differ significantly from the overall thrust of CLMP, it would greatly restrict management flexibility to respond to important management needs and multiple use opportunities. For example, road prohibitions could limit options to address bark beetle infestations in Kenai Peninsula forests, limiting the availability of Chugach timber for small-scale wood product manufacturers. Road prohibitions could also limit access to mining and recreation developments along the Seward and Sterling Highways, and elsewhere on the forest. Because defined roadless areas generally begin 1/4 mile from the highway, future road alignments, such as those being considered along the Sterling Highway at Cooper Landing, could be prohibited. In the interests of maintaining management flexibility, I urge you to embrace the ongoing Chugach planning process and address issues related to roadless areas in that context, not in the roadless initiative.

I recognize there remain significant management challenges on Alaska's National Forests, and they must be addressed. For example, the adaptive management approach in TLMP

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is a strategy which can contribute to community stability, economic diversification, and increased scientific understanding. Effective adaptive management requires the Forest Service collaborate with the state and affected Alaska stakeholders to monitor the status of natural resources, incorporate science into management, evaluate management effectiveness, and suggest management options based on new information. Adaptive management, based on scientific monitoring, is good management and should be implemented on both the Tongass and Chugach forests.

The recently-completed Southeast Alaska Transportation Plan, a long term study and plan for providing transportation demonstrates the ability of the state of Alaska and the federal government to work together to meet Alaska's transportation needs. Similar plans are in preparation for other regions, notably Prince William Sound.

Fishing and seafood processing together are the number one private sector employer in Alaska, and the salmon streams of the Tongass and Chugach forests are significant fish producers. To maintain the productivity of these streams and provide safe passage for salmon, a sound road management strategy is a crucial consideration. Information from the Forest Service and the Alaska Department of Fish and Game indicates that on the Tongass a significant number, perhaps as high as 66 percent, of forest road culverts across salmon streams are not adequate for fish passage. Correcting these problems should be a top Forest Service priority, yet the roughly 4,500 miles of roads on the Tongass are not receiving the maintenance required to protect water quality and ensure salmon passage. Some of these roads should be rehabilitated, whereas others will be important over the long-term for local access or as part of the Southeast Alaska Regional Transportation Plan. A sound Forest Service strategy is needed for Tongass road and transportation management, water quality and fish passage, along with the funding to do the job right.

In the Chugach National Forest the Copper River stands out as one of Alaska's premier salmon rivers. The Copper River delta is well known not only for the world class king and sockeye salmon fisheries, but also as one of the most important migratory bird breeding and staging areas on the Pacific coast. Determining the best way to afford strong protection to the Copper River area, consistent with the Alaska National Interest Lands Conservation Act is an important component of the CLMP process.

The Chugach forest also offers tremendous opportunities for sustainable development of tourism, recreation, and other natural resources, while maintaining the magnificent natural setting which draws so many to visit Prince William Sound and the eastern Kenai


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Peninsula. The challenge is to balance economic development and diversification with protection of the freshwater streams, wildlife, and coastal habitats which are the biological heart of the Chugach.

Safe passage for salmon on the Tongass, effective protection of the Copper River delta on the Chugach, and balancing diverse values and economic interests on both forests are examples of issues that benefit from the site specific management approach employed in the Tongass and Chugach management planning processes.

In conclusion I want to reiterate my strong opposition to supplanting the Tongass Land Management Plan, or the Chugach Land Management Plan underway, with a federal initiative launched out of Washington, D.C. I am enclosing copies of previous correspondence and documents relevant to the roadless area initiative, and ask that you include them in the record of comment on the DEIS. Thank you very much.

Sincerely,


Tony Knowles
Governor

Documents enclosed for inclusion in the formal record of public comment on the DEIS:

- The State of Alaska's comments on the federal notice of intent to prepare an environmental impact statement and a public rule making process regarding the protection of roadless areas within the National Forest System;
- The State of Alaska's comments on the TLMP draft environmental impact statement;
- Letter to Agriculture Secretary Glickman dated September 21, 1998;
- Letter to Agriculture Secretary Glickman dated July 20, 1999;
- Letter to White House Council on Environmental Quality Director George Frampton dated October 12, 1999.

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



December 20, 1999

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

USDA Forest Service-CAET
Attention: Roadless Areas NOI
P.O. Box 221090
Salt Lake City, UT 84122
Fax Number (801)517-1021

The State of Alaska appreciates the opportunity to submit scoping comments on the federal notice of intent (NOI) to prepare an environmental impact statement and a public rule making process regarding the protection of remaining roadless areas within the National Forest System.

It is not acceptable for the federal government to supercede the exhaustive Tongass Land Management Plan (TLMP) process with a federal initiative out of Washington, D.C.; that could erode the balance, stability, and certainty TLMP was to bring to the economy of Southeast Alaska. Roadless areas were carefully considered in TLMP, and another review is not appropriate. The State of Alaska recommends the federal government pursue a fundamentally different, alternative course of action and take advantage of the adaptive management and monitoring strategy in the forest plan.

Further, it is not acceptable for the federal government to supercede an ongoing planning process on the Chugach National Forest. The consideration of roadless areas on the Chugach forest must respect a public process and be consistent with a fair forest planning process. If the federal government expects the people of Alaska to continue the process in good faith, any actions should be based on sound science, prudent management, and a meaningful public process.

Forests in coastal Alaska are fundamentally different from those in the lower 48 states. The Tongass comprises roughly 85 percent of the land base in Southeast Alaska; its resources and uses are the social and economic lifeblood of the region's communities. The Chugach National Forest occupies just as fundamental a role for residents of Prince William Sound and the eastern Kenai Peninsula. Unlike cities and towns in the lower 48 states most of the communities in Alaska's national forests are on islands not connected by roads.

Many of our national forest issues are truly unique to Alaska: marine transportation and safe boat anchorages; subsistence hunting, fishing, and gathering; and commercial

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salmon fishing. Recreation and tourism activities feature glaciers, icefields, and sea kayaking. Brown (grizzly) bears and bald eagles are abundant and commonly observed wildlife species. Deer are so abundant hunters in some areas are allowed to harvest four and sometimes five deer each season, and they need to in order to feed families in remote wilderness villages.

Here in Alaska we are playing by the rules when it comes to forest management. Southeast Alaskans from all walks of life worked hard in pursuit of a balanced Tongass forest plan based on sound science and meaningful public participation. We are committed to prudent forest management and have a solid track record of working through the federal forest planning process. When Alaskans play by the rules we expect the federal government to also play by their own rules and respect the forest planning process.

The Chugach National Forest

On Alaska's Chugach National Forest the Forest Service is in the midst of a forest planning process under the authority of the National Forest Management Act. Timber harvest is not a major use of the Chugach, and there appears to be an excellent opportunity to combine significant protection of important roadless areas with sustainable management of a growing recreation and tourism economy. Other uses and resources can also be accommodated in the forest plan framework, as can reasonable access provisions. In short, the State of Alaska believes the forest plan timetable allows the federal government to ensure that roadless area decisions affecting the Chugach National Forest can be integrated into the final forest plan.

The Tongass National Forest

The Tongass National Forest in particular should not be included in the proposed rule making process because roadless areas and related issues were addressed in the Tongass Land Management Plan (TLMP). That plan, which took 15 years and cost some \$20 million to complete, was completed in 1997 with final decisions on administrative appeals just this year. TLMP was one of the most elongated and thorough resource planning efforts in the history of the nation and received more public comments than any other individual national forest plan in history. Roadless area issues such as those cited in the NOI-roadless area inventory, clean water, biological diversity, wildlife habitat, recreation opportunities-were covered in depth in the Tongass forest plan.

The State of Alaska participated in the Tongass forest plan throughout its development and I consistently advocated a natural resource strategy of "Doing It Right," which is

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founded on three fundamental principles: sound science, prudent and sustainable management, and a meaningful public process that involves stakeholders in decisions. The state submitted detailed and comprehensive comments and recommendations on the forest plan that emphasized:

- The need for a reliable, predictable timber supply capable of supporting Alaska businesses engaged in manufacturing high value added wood products, and intensive management to help achieve that goal;
- The importance of avoiding logging and road building in key areas of concern for fish, wildlife, subsistence, and local use by residents of local Alaskan communities, such as Honker Divide, Cleveland Peninsula, Port Houghton, Poison Cove/Ushk Bay, and East Kuiu Island;
- The central role of scientific monitoring, evaluation and an adaptive management strategy in successful implementation of the TLMP forest plan.

The premise understood by the state and the federal government was that TLMP would bring balance, stability, and certainty to the regional economy. Many jobs and families, both in the timber industry and throughout the economy of this region, are dependent on such stability. Former White House Chief of Staff, Leon Pannetta, assured me and a delegation of Southeast Alaska Mayors that TLMP would be concluded in a responsible manner and would bring needed stability to the families and communities of Southeast Alaska.

The Forest Service in the 1997 record of decision (ROD) on TLMP made significant changes in land allocations to protect areas of concern to local communities, and establish a comprehensive fish habitat and wildlife population viability strategy that received thorough scientific peer review. Under the 1997 ROD the annual timber harvest level was reduced but still allowed for a significant timber industry.

The final plan also included an adaptive management strategy that promised to engage all relevant federal agencies (the Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) and the State of Alaska in a cooperative monitoring effort. The Forest Service's Pacific Northwest Research Station was included in the monitoring and evaluation commitment. Nongovernmental organizations and interested stakeholders were also invited to participate in the monitoring and adaptive management process. The State of Alaska strongly supports scientific research and the inclusive program of monitoring and adaptive management to which the federal government committed in TLMP.

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This year the Department of Agriculture made a final decision on the more than thirty administrative appeals of the forest plan and issued a revised TLMP record of decision. The revised record of decision was controversial, and remains so. I have serious concerns with the process and the product of what I think was a faulty approach. In my opinion, even those people who have expressed support for the final version of TLMP should be concerned about the process. A faulty process can often lead to unpredictable results, and today's beneficiaries of such a process may well find themselves in opposition to a later set of decisions which are based on similar procedural infirmities.

The 1999 TLMP appeals decision significantly increased the amount of land removed from the timber base to provide additional protection of old growth forest habitat for wildlife, and decreased the amount of forest land available for timber harvest. Ironically, opportunities for intensive management of second growth timber land, a strategy that could over time reduce the emphasis on logging in roadless, old growth areas, appear to have been curtailed. While the increased protections may reduce or eliminate the threat of timber supply disruptions from legal challenges citing the federal Endangered Species Act, Alaska timber businesses are struggling to determine whether the revised decision will provide a reliable wood supply sufficient to conduct viable manufacturing businesses.

Adaptive management is a sound process for evaluating the success of the forest plan in addressing roadless areas and related issues. Adaptive management engages scientists and resource managers in monitoring and evaluating the effectiveness of the conservation measures in the plan. It is an open process that brings stakeholders and tribes into the process, and allows for community dialogue about the specific places, resources, and uses that are important to residents. If the adaptive management process indicates changes to the plan are needed based on sound science, prudent management, and stakeholder priorities, then adjustments can be made through the forest plan amendment process.

I believe that on the Tongass National Forest adaptive management will better achieve the conservation goals, cited in the roadless policy NOI, of protecting "...clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities and other public benefits." It can do so while contributing to the management stability so desperately needed by Southeast Alaska families that have waited 15 years to know how their forest is going to be managed. Therefore the federal government should commit the financial resources and professional staff necessary to make adaptive management work for the health of the forest and for the well-being of Alaskan families.

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I would also like to comment on the challenge of managing the existing roads on the Tongass. Today there are over 4,500 miles of Forest Service roads on the Tongass. Some of these roads should be improved as part of the permanent forest transportation system, some should be stabilized and maintained for local use, and some should be closed and reclaimed in an environmentally sound manner. These road needs are an important part of forest stewardship as well because, according to Forest Service estimates, at least 25 percent of the most important salmon stream crossings do not allow fish passage. There is an estimated \$20 million backlog in fish passage problems across the Tongass. The federal government has a responsibility to address the real transportation, access, and fish habitat restoration needs on the Tongass rather than unilaterally imposing a new roadless area policy.

The State of Alaska's comments on the TLMP draft are appended and clearly put forth in the state's priorities, principles, and recommendations with regard to a balance that protects areas of concern to local communities, provides a predictable timber supply to support a high value added timber industry, and balances the diverse uses and resources of the Tongass forest. Correspondence to Secretary of Agriculture Dan Glickman is also appended. I request that these enclosures be included in the formal record of scoping comments on the proposed roadless area rule making process and environmental impact statement. Thank you.

Sincerely,


Tony Knowles
Governor

Documents enclosed for inclusion in the formal scoping record:

- The State of Alaska's comments on the TLMP draft environmental impact statement
- Letter to Secretary Glickman dated September 21, 1998
- Letter to Secretary Glickman dated July 20, 1999
- Letter to the White House Council on Environmental Quality Director George Frampton dated October 12, 1999

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STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

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☐ SOUTHCENTRAL REGIONAL OFFICE
3801 'C' STREET, SUITE 370
ANCHORAGE, ALASKA 99503-5930
PH: (907) 269-7470/FAX: (907) 561-6134

☐ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-0690

August 26, 1996

Mr. Phil Janik
Regional Forester
U.S. Forest Service
P.O. Box 21628
Juneau, AK 99802


Dear Mr. Janik,

I am pleased to submit the State of Alaska comments to the Revised Supplemental Draft Tongass Land Management Plan.

The Tongass is a national treasure and the heart of Southeast Alaska. Regional population growth and demands of economic diversification heighten the challenge of Tongass management. The State continues its commitment to work with you, and all Alaskans, to bring balance to the competing interests in forest resources and to maintain a healthy, stable regional economy. This plan review is one step in our collective responsibility to sustain the Tongass as it supports us.

Please contact me, or any Cabinet members, if you have questions regarding the enclosed recommendations. The State looks forward to an expeditious completion of this important update of the Tongass Management Plan.

Sincerely,


Diane Mayer
Director

cc: Commissioner Frank Rue, Fish and Game
Commissioner Michelle Brown, Environmental Conservation
Commissioner John Shively, Natural Resources
Commissioner Willy Hensley, Commerce and Economic Development
Commissioner Mike Irwin, Community and Regional Affairs
Commissioner Joe Perkins, Transportation and Public Facilities
Marilyn Heiman, Special Assistant, Governor's Office

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Enclosures to State Comments on the RSDEIS Tongass Plan

- Enclosure I Highest Value Community Use Areas
- Enclosure II ADFG Standards and Guidelines Recommendations
- Enclosure III Governor's Letters on Tongass Issues addressed to:
 President Clinton; July 5, 1996
 Mr. Mark Suwyn; April 26, 1996
 Fellow Alaskans; August 22, 1996

TONGASS LAND MANAGEMENT PLAN
STATE OF ALASKA - COMMENTS

Thank you for the opportunity to comment on the Tongass Land Management Plan. The Forest Service has the responsibility to complete the Tongass land management planning process and we urge the Forest Service to do it in an expeditious manner.

The well-being of the people of Southeast Alaska is inextricably linked to the management of the Tongass National Forest. The State of Alaska's objective is to ensure that the management decisions made by the U.S. Forest Service meet the current and future needs of Southeast Alaskans, their jobs and their families. This objective can best be met if all parties work together, maintaining mutual respect for community differences, lifestyles, and cultural heritage. Our common mission is to build a stable, diversified, sustainable economy that includes a predictable, reliable timber industry in Southeast Alaska. Success in our mission will provide for an improved standard of living with quality employment and development opportunities for Southeast Alaskans through prudent use of the national forest's resources.

The Tongass Land Management Plan (TLMP) will drive the long-term management decisions for the Tongass National Forest. The plan must reflect not only national mandates, but also the concerns and needs of Alaska communities. The focus must be on Alaskan jobs and families and must use the planning process to find a sustainable balance between all the uses of the forest, including commercial and sport fishing, fish processing, hunting, timber, mining, tourism, subsistence, recreation, and personal use. Another important component to meeting the needs of Alaskans is conservation of forest resources, including fish, wildlife, habitat, water, air, trees, and other resources. We have the responsibility to manage for the conservation of fish and wildlife habitat, provide for community uses, and minimize impacts to viewsheds while providing for a predictable timber industry. The management direction in the plan must provide a mechanism for harvesting and processing trees responsibly, sustainably, predictably, and with a goal of maximum utilization of harvested timber to provide stable, long-term employment opportunities for Alaskans.

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The Tongass Land Management Plan is essentially a zoning and rule-making tool similar to local zoning and municipal ordinances. Inevitably, one plan that tries to address a region as large as some states is going to be controversial. Imagine if communities in West Virginia (the approximate size of the Tongass) had to operate under one set of zoning laws and municipal ordinances. Southeast Alaska is a very diverse region. From Ketchikan, that depends mainly on timber production, to Gustavus, that relies on fishing, subsistence, and tourism, the Tongass is a factor in how each community thrives. How the forest should be managed to meet all the diverse needs is a question that has challenged the region for decades.

Beginning in 1910, the Forest Service sought to establish pulp mills to utilize Tongass timber and to provide stable, year-round employment in Southeast Alaska. The Forest Service entered into two fifty-year contracts that provided for a specified timber supply in exchange for pulp mill construction and operations in Southeast Alaska. The Ketchikan Pulp Company (KPC) began pulp mill operations in 1954. The Alaska Lumber and Pulp Corporation (APC) began operations in 1961.

In 1979, a ten-year Tongass Land Management Plan (TLMP) was adopted as required by the National Forest Management Act. In 1980, Congress enacted the Alaska National Interest Land Conservation Act (ANILCA) which largely followed the 1979 TLMP proposed action. ANILCA mandated an annual permanent appropriation of at least \$40,000,000 or as much as necessary to maintain the timber supply from the Tongass at a rate of 4.5 billion board feet per decade. In 1990, the Tongass Timber Reform Act (TTRA) was passed by Congress. Among other things, the Act eliminated the requirement for the Forest Service to make available 4.5 billion board feet of Tongass timber per decade and the \$40 million annual appropriation.

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Every decision made on the Tongass was made only after considerable debate between residents, politicians, industry representatives, and environmentalists. The debates were often emotional, sometimes confrontational, and always frustrating for those involved. Each decision represented negotiation and compromise. The situation today is no different.

Today, the 1979 ten-year Tongass Land Management Plan is 17 years old. The KPC contract is in its 42nd year. The APC pulp mill in Sitka and the sawmill in Wrangell are closed. The future of the pulp mill in Ketchikan is uncertain. The planning process, with the involvement of scientists, communities and the general public, is essential to the long term economic viability of the region. Only through the planning process can we provide a predictable, reliable supply of timber, specify areas that should be harvested, and provide a three to five-year pipeline of timber.

Southeast residents from many walks of life have concerns about timber harvest. The uncertainty about the future of the region's remaining pulp mill and Tongass timber supply has residents who depend on a stable forest products industry in fear of losing their jobs and homes. Those who rely on Alaska's healthy fishery resources also feel threats to their livelihood. Decades of timber harvesting combined with other residential and industrial development in the Pacific Northwest and British Columbia has resulted in habitat loss, declines in the fishery resources, and endangered species listings. Restoration of these areas will come at a high cost.

As population and demands on resources increase, the conflicts becomes more pronounced. The population of Southeast Alaska has increased from 28,000 in 1950 to approximately 75,000 today. When the long-term contracts were entered into almost fifty years ago, there were limited opportunities for year-round employment in Southeast and no industrial base to enable communities to grow. The long-term contracts and the pulp industry provided that base. Communities have grown and the economy has diversified. The challenge now is to

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retain that economic diversification, maintain a viable timber industry, and accommodate all uses of the forest. Currently, our salmon stocks are strong, wildlife populations are high enough to meet most subsistence and hunting needs, and tourism is a booming industry. Being able to sustain this situation, and to avoid the severe problems faced in the Pacific Northwest, is contingent upon our "doing things right," now and into the future.

Inevitably, there must be trade-offs to meet the current and future needs of all Southeast Alaska. As decisions on the trade-offs are made, it is important to minimize the risks to both Alaskan jobs and resources, and to consider the values and diverse lifestyles of Southeast Alaskans. To aid the Forest Service in making these decisions, the State offers the following recommendations.

1. Timber Values

Like all Alaskans, Southeast residents who depend on the timber industry for their livelihood value the forest and its resources. As timber resources decline, it is important to bring some stability and predictability to the timber supply relied on by the forest products industry. In order to do this, the timber industry must include a high value-added component to maximize the number of jobs per board foot cut. The idea is to provide for a predictable timber industry in Southeast Alaska while reducing the number of acres impacted by harvest on the Tongass. To maintain its competitiveness, the timber industry must adapt and invest in improved technology. In considering land management decisions for the Tongass, the Forest Service should do its part to bring stability to the current industry and cooperatively plan for long-term adjustments. To that end, we have continued to encourage the Forest Service to offer small five to ten-year timber sale contracts. Smaller sale volumes (1 - 10 MMBF annually) would help meet the needs of several industry participants and would likely be less controversial than larger sales. Providing economic incentives for local use of cedar for value-added production is another way to help increase the number of processing jobs from timber harvested in the region.

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The State will do all it can to identify and schedule timber volume from State lands to contribute to a stable, value-added, timber industry in Southeast Alaska. The State introduced and is now implementing legislation that will provide incentives for small, locally owned operators to increase high-valued added processing of timber on state lands. The Alaska Industrial Development and Export Authority and the Science and Technology Foundation are available to provide assistance to companies who want to invest in higher value-added wood processing. The in-state processing of our raw materials, with a focus on adding value locally is a means to improve economic benefits and provide a predictable, diverse, sustainable industry for the region.

The State recommends and supports the establishment of an "intensive management" fund for the Tongass. Additional funds will provide:

- (a) access to economically marginal stands which may be less controversial and could maximize the long-term productivity of remaining commercial timber lands;
- (b) thinning, pruning, and/or other silvicultural techniques on regenerated stands to maximize the quality of future timber yields;
- (c) watershed restoration in areas where past timber harvest activities were not conducted in a manner consistent with current riparian management standards, helping to reduce risks to the fisheries resource; and
- (d) assistance for temporary roads, culverts, and other access requirements.

Another means of increasing the timber availability would be to limit two-aged silviculture to an experimental program rather than applying it across the forest. Two-aged management may have few silvicultural benefits in Southeast Alaska. Allowing clearcuts in areas zoned for timber harvest would improve the economics of Tongass timber and concentrate harvesting in fewer areas. Other ways to reduce the risks to the timber industry and improve the economics of timber harvest include intensifying the second-growth management program

and limiting the protective measures for caves and karst to what is required by federal law. Finally, the economics of individual timber sales could be improved, and their impacts reduced, by construction and subsequent closure of temporary roads unless a community indicates a strong desire for a permanent road in the area.

2. Fisheries and Water Quality Values

All Southeast residents value our important fisheries and clean water. Commercial, subsistence, and recreational harvest of fish contribute significantly to every community in Southeast Alaska. Additionally, the State has made a commitment both nationally and internationally to rebuilding and restoring wild salmon populations and protecting salmon habitat. The Governors of Alaska, Washington and Oregon recently signed principles for salmon conservation at the Sitka Salmon Summit to address the economic and social consequences of past impacts to salmon habitat, primarily in the Pacific Northwest.

Application of Riparian Options 1 and 2 will help the State meet its commitments to Alaskans and others. The State recommends Riparian Option 1 be the minimum prescription applied to the 50% highest value watersheds for fish production. The remaining watersheds would get Riparian Option 2 unless a site specific analysis indicates otherwise. The State recommends that the prescriptions for High Gradient Contained (HC) streams, those found in the upper part of the watershed, be changed. Our proposed modification to Riparian Options 1 and 2 will offer more timber for harvest while maximizing the benefit of stream buffers (see enclosed Standard & Guideline recommendation, Enclosure II, page 22).

3. Community Use, Fish, and Wildlife Values

Communities that do not directly benefit from the timber industry are often opposed to harvesting in their use areas. Even communities that directly benefit from timber harvest have their favorite locations they want protected. This often results in individual sales being delayed or deferred or substantially modified due to appeals and litigation. Timber planned for harvest under TLMP will be of little use in providing timber industry jobs if individual

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sales remain mired in controversy and litigation based on community concerns for fish, wildlife, recreation, and subsistence uses.

While the existing Forest Service reserve system responds to the national mandate to protect fish and wildlife viability, it does not fully address the need for community use of fish and wildlife. The State has identified numerous fish and wildlife use areas important for one or more Southeast Alaska communities that are available for timber harvest under the preferred alternative. Data on resource values (i.e., coho and pink salmon production, recreational fishing effort, subsistence use, urban deer harvest, and bear harvest) were compiled, analyzed, and ranked. Areas were identified based on the following: highest ranked resource values or combinations of highest values; extent of past timber harvest in each community's core use area (indicator of degree of risk to sustained yields of fish and wildlife for community); and local knowledge of habitat quality and community use patterns. The areas identified collectively contain the most important 20% of the community subsistence areas, approximately 20% of the brown bear harvest and urban deer harvest, 40% of the black bear harvest, and 30% of the coho and pink salmon production and sport fish harvest.

The list of high value community use areas is enclosed for both the Forest Service and the public's information (see Enclosure I). We request the Forest Service work with the Department of Fish and Game and Southeast communities to determine which of these areas should have appropriate management prescriptions that protect community use, and fish and wildlife values. Avoiding or minimizing timber harvest in areas of high community use will increase the predictability and reliability of the timber supply and ensure the viability of all forest dependent industries.

4. Other Suggestions

In the review of the Tongass Land Management Plan, the State developed the following additional suggestions to help the Forest Service meet the values of Southeast Alaskans:

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- Intensify the second-growth management program to hasten the second rotation and increase timber production from the commercial timber base.
- Develop monitoring plans that document and foster compliance with TLMP standards and guidelines. The plans should document the short-term and long-term effectiveness of the plan in meeting the objectives set forth in TLMP for renewable forest resources and uses. An adaptive management strategy should reflect interrelated levels of monitoring strategies for evaluating (a) effectiveness of standards and guidelines and Best Management Practices, and (b) trends in species abundance and distribution, changes in habitat quality, and changes in harvest levels and patterns.
- Provide for restoration, rehabilitation and monitoring which would include developing a Habitat Restoration Program to implement stream restoration in watersheds that have been degraded, prioritizing the highest value watersheds. State/Federal monitoring teams could assess habitat damage and conduct research on experimental enhancement of wildlife habitats in second-growth forests where public demand for species most exceeds supply.
- Adopt the extended beach fringe zone standard that is applied to some alternatives in the DEIS. The standard provides a zone 500 - 1000 feet from the beach where single tree or group selection logging is allowed. The extended beach fringe allows harvested areas to better attain old-growth forest characteristics of species abundance, composition, and structure before they are harvested again. The selective harvest zone would reduce blow down in the no-harvest beach fringe, increase the functional value of coastal old-growth corridors connecting Old-Growth Habitat LUDs, help provide for sustained yields of wildlife, and protect anchorages from winds.

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- Change the definition of beach and estuary fringe to ensure this important area is maintained. Change the definitions from 500 or 1000 feet slope distance inland from mean high tide to 500 or 1000 feet horizontal distance inland from the landward limit of salt tolerant vegetation (the State's Forest Practices Act requires all measurements be horizontal distance rather than slope distance).
- Improve standards and guidelines for road construction, maintenance and closure by adopting the construction, maintenance, and closure standards in the Alaska Forest Resources and Practices Act. Implement road management plans to reduce impacts to brown bear, wolves, marten, goats, and other species vulnerable to increased human access.
- Rename the "Enacted Municipal Watershed" prescription "Municipal Watershed" and include all municipal watersheds in the prescription. Protecting municipal watersheds under this management prescription could decrease the cost to municipalities for drinking water treatment and would protect public health.

The future decisions for the Tongass National Forest should not be based on the demands of any one group such as timber industry advocates, environmentalists, corporations or Congress. All forest management decisions must consider the people who live here. While the Tongass belongs to all Americans, it is the current and future generations of Southeast Alaskans that are most affected by federal land management decisions. It is very important that Southeast Alaskans are heard and their needs reflected in the final federal decision on the Tongass Land Management Plan. It is critical to bring all stakeholders to the table as the Forest Service implements the plan.

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From the State's perspective, a strong, diversified economy is essential to the long-term well-being of Alaska's families. The future of the Southeast economy is tied to continued vitality in the fishing, tourism, timber, and mining industries, as well as to the subsistence economy. The Tongass is the primary land base for the majority of Southeast Alaska communities and must be managed accordingly. It must be managed with a goal of providing maximum opportunities for Alaskan families while not foreclosing or denying benefits and opportunities to future Alaskan generations.

We appreciate the opportunity to comment on the Tongass Land Management Plan. We urge the Forest Service to give due consideration to these comments. We also urge you to discuss the enclosed recommended changes to standards and guidelines with the Alaska Departments of Fish and Game and Department of Environmental Conservation. Finally, we request the Forest Service review, with affected communities, important high-use community areas.

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ENCLOSURE I

HIGHEST VALUE COMMUNITY USE AREAS

VCU* areas identified as having the highest values for community use of fish and wildlife. These areas represent the most important 20% of community subsistence use areas in the region, approximately 20% of the brown bear harvest and urban deer harvest, 40% of the black bear harvest and 30% of the pink production, coho capability and sport fishing use areas. VCU areas are grouped into three categories within these "highest value" areas.

The Department of Fish and Game has on file the specific data that supports each of these value ratings and helps identify the most productive areas within each VCU listed. The department will work with the Forest Service to integrate this information into final management strategies for these areas.

VCUs with highest community fish and wildlife values

230 240 550 840 1200 2010 2020 2030 2040 2150 2170 2180 2220 2230 2240 2250 2260
2280 2290 2390 2440 2790 2970 2990 3000 3010 3020 3030 3090 3100 3120 3130 3980
3990 4000 4020 4200 4210 4250 4260 4290 4320 4330 4340 4350 4360 4470 4500 4510
4520 4540 5020 5140 5270 5290 5320 5440 5460 5542 5710 5730 5740 5750 5760 5770
5780 5871 5880 5890 5920 5930 5971 6210 6240 6320 6740 6750 6790 6920 7150 7160
7180 7190 7220 7530 8060

VCUs with next highest community fish and wildlife values

790 1960 2100 2430 2450 2460 2800 2810 4160 4570 4580 4680 4890 5380 5490 5610 5830
6180 6310 6340 7470

VCUs with next highest community fish and wildlife values

2360 2920 2940 4670 5810 5910 5960 6200 6250 7200 4240 5940 5950 6220 7390 2400
7130 7140

*Value Comparison Unit - land-based units into which the Forest Service divides the Tongass National Forest. Resource data is frequently analyzed by VCU.

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TONY KNOWLES
GOVERNOR



P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

September 21, 1998

The Honorable Daniel R. Glickman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. *Dan* Secretary:

I request your renewed commitment to families and businesses of Southeast Alaska, the implementation of the Tongass Land Management Plan (TLMP), and a sustainable future for the Tongass National Forest. For Southeast Alaskans engaged in salmon fishing, tourism, wood products, hunting, recreation, mining, and subsistence lifestyles, the Tongass National Forest is the foundation of a diverse regional economy.

You and I have discussed the importance of employment in Southeast Alaska on several occasions, and I am proud of our joint effort on the Southeast Alaska Community Economic Revitalization Team. My goal has always been to promote a diversified economy in Southeast Alaska that provides jobs for Alaskans from all walks of life. High value-added wood manufacturing businesses are an important part of that effort. With this in mind, I strongly urge you to take action on four important items regarding the management of the Tongass National Forest.

1. The Tongass Land Management Plan (TLMP) should be brought to a responsible closure that fully honors the public planning process and all the forest users who have a stake in the Tongass, so that everyone who relies on the forest knows how their forest will be managed in the future.
2. I urge you to meet in Washington, at your earliest convenience, with those timber interests that have developed proposals for new, value-added wood manufacturing facilities in Southeast Alaska.
3. Once TLMP is brought to a responsible resolution, you should convene a wood products business meeting, in Alaska, of Alaska high value-added wood product businesses with a stake in the Tongass, so they can prepare their businesses for work in the next operating season and beyond.
4. I also ask you to establish a Wood Products Development and Training Center in Sitka, to provide technical and business development assistance to wood products businesses across the entire state.

The Honorable Daniel R. Glickman
September 21, 1998
Page 2

My Administration remains committed to creating new jobs for Alaskans while adding maximum value to the world class timber harvested in our state. As you know, Southeast Alaska's forest products industry is weathering troublesome times. Closure of pulp mills in Southeast Alaska was followed by the downturn in Asian economies—Alaska's primary export markets—which significantly constrain an industry that has long been a driving force in Alaska's economy. Looking to the future, I believe it is our responsibility to get the greatest number of jobs possible out of the wood we harvest. Doing so requires a reliable, dependable timber supply that provides real opportunities for high value-added wood products businesses in Alaska. Although private and state lands contribute to the wood supply, the Tongass National Forest is clearly an essential component of the regional timber supply.

It is critical the Forest Service comes to grips with the TLMP and brings the more than thirty administrative appeals to a responsible resolution. This will allow communities across Southeast Alaska to put the debate over the plan behind them and make the Tongass plan work. Responsible implementation of the TLMP will involve the sustainable development of natural resources. It will also involve protecting important community use areas that produce fish, wildlife, and subsistence resources that translate into both sustenance and jobs for Alaskans. Areas of longstanding concern to local communities, such as Cleveland Peninsula, Honker Divide, East Kuiu, and Poison Cove need to be addressed. It is my belief that by adequately addressing these concerns the Forest Service can provide a more reliable timber supply.

Pending resolution of TLMP appeals, many businesses and forest users are of necessity engaged in discussions with the Forest Service regarding current and future business operations, and there is no reason why such discussions should not continue.

Following a timely and responsible resolution of TLMP, and clarity regarding a reliable, sustainable supply of timber, the Forest Service should convene a wood products business meeting for all concerned Alaska wood products manufacturers. This business meeting should be held in Southeast Alaska, and the purpose of the meeting should be clearly focused on allowing timber businesses to plan for the upcoming operating season and the years beyond. It is my understanding that Ketchikan Pulp Corporation (KPC) is pursuing the cleanup of Ward Cove. In addition, I understand that both KPC and Sealaska Corporation remain interested in opportunities to develop additional value-added manufacturing operations. These considerations, along with other value-added timber proposals, should be open for discussion at the Southeast Alaska business meeting.

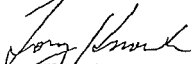
Finally, we need a Wood Products Development and Training Center in America's largest national forest in order to fully realize the potential for sustainable, high value-added

The Honorable Daniel R. Glickman
September 21, 1998
Page 3

manufacturing. The establishment of a Wood Products Development and Training Center in Sitka is an important opportunity to develop the framework for a sustainable future for timber in Southeast Alaska. It builds on our successful collaboration with the Industry Network Corporation to hire a forest products specialist in Sitka. The center is supported by the Alaska Science and Technology Foundation, the Alaska Department of Commerce and Economic Development, and the City and Borough of Sitka.

Thank you for your continued efforts on behalf on the communities of the Tongass National Forest to provide a sustainable future. Your prompt attention and consideration is appreciated.

Sincerely,


Tony Knowles
Governor

cc: John Katz, Office of the Governor, Washington, D.C.

56465

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU
July 20, 1999

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P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary:

I am writing to convey my concerns with the process utilized by the Department of Agriculture to finalize the Tongass Land Management Plan (TLMP). I also want to recommend some guiding principles and specific actions for the future.

In an unprecedented action, the Undersecretary of Agriculture made major changes in the Alaska Regional Forester's 1997 revision to TLMP. Yet, the Undersecretary's decision was not remanded to Alaska for further scrutiny or public involvement. As a consequence, serious questions have arisen about the credibility of the final Plan, which took literally 15 years and millions of dollars to produce. Further, the uncertainty about Tongass management will continue to the detriment of forest users, as litigation threats have come from all sides.

Questions about the process have inevitably led to concerns about the content of the final plan itself. The administrative record does not provide much elucidation on the rationale for certain decisions. For example, serious questions have arisen about how the 200 year timber rotation mandated for certain areas will affect harvest volumes and other forest uses.

Similarly, we wonder whether the allowable sale quantity of 187 million board feet (mmbf) per annum can satisfy, in actual practice, both a potential new veneer operation and existing timber utilization by medium size and small companies. This concern is exacerbated by the Forest Service's historic difficulty in offering commercially viable sales which can survive judicial challenge. Alaska timber businesses are concerned that there could be a very real gap between timber volume promised on paper and sales made available for bid.

In my opinion, even those people who have expressed support for the final version of TLMP should be concerned about the process. A faulty process can often lead to unpredictable results, and today's beneficiaries of such a process may well find themselves in opposition to a later set of decisions which are based on similar procedural infirmities.

I understand that the Undersecretary's TLMP decision represents final agency action by the Department of Agriculture and, therefore, is not subject to reversal by him or you at this time. In

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July 20, 1999
Page 2

this situation, some Alaska stakeholders have elected to pursue a judicial remedy. This is obviously their right. However, I am reluctant to adopt such an approach for the State. For one thing, litigation will likely take years to complete, with concomitant uncertainties in the meantime. Also, by and large, the courtroom is not a good place to resolve natural resource conflicts.

Therefore, I recommend that the Forest Service immediately adopt an "adaptive management" approach in the Tongass. This approach would incorporate lessons learned from plan implementation and ongoing management. As a consequence, the TLMP could be adjusted or amended to take cognizance of new data and insights. Thus, appropriate remedial action could be taken promptly if particular problems materialize.

While my Administration has a tremendous interest and involvement in the social and economic well-being of the people of Southeast Alaska, the Forest Service, as steward of the Tongass, has a great responsibility as well. Accordingly, the focus falls on the Forest Service to deal with the consequences of the recent TLMP decision. Implementation of adaptive management could help ameliorate some of the concerns expressed here.

In these circumstances, I believe that the Forest Service must adopt a new and different forward looking approach which seeks to minimize the uncertainties of the past and to maximize the commercial use of each board foot of timber harvested from the Tongass. With these goals in mind, I would recommend that the Department of Agriculture consider programs and measures which include the following:

- Measures should be instituted to ensure that all decisions affecting the Tongass are premised on the three principles of what I refer to as "Doing It Right": sound science, prudent management, and an open and fair public process that ensures the meaningful engagement of concerned Alaska stakeholders.
- The Forest Service should be commended for avoiding logging and road construction in sensitive areas of particular concern to local communities. These areas include Honker Divide, East Kuiu, Poison Cove/Ushk Bay, and the Cleveland Peninsula. Other exclusions should include areas of importance for salmon production, wildlife, and local community uses identified in the State's comments on TLMP. I believe that, in addition to protecting valuable habitat, these conservation measures will improve the reliability of the timber supply by focusing harvest activity on less controversial areas.
- Accordingly, the Forest Service must take steps to ensure a predictable, reliable, and sustainable supply of timber. This effort should not be simply a paper exercise, but must include practical measures assuring that projected volumes will actually be made available "in the woods."

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The Honorable Dan Glickman
July 20, 1999
Page 3

- Impartial experts should be retained from time to time by the Forest Service to review and facilitate achievement of the goals postulated for the timber sale program, including the configuration of commercially viable individual sales.
- The Forest Service should institute policies and programs to foster value-added, and ideally, high-value added, manufacturing and utilization of Tongass timber. Among other things, this should include full funding and other support for the Alaska Wood Utilization Research Center recently established in Sitka. I strongly encourage collaboration with the Industry Network Corporation and the Alaska Science and Technology Foundation, which are engaged in important projects identified by Alaska mill owners as critical steps toward a successful value-added timber industry.
- To promote the viability of value-added timber enterprises, the export of round logs should be prohibited except in rare circumstances.
- Another important goal of the measures that I have just suggested is the employment of Alaska labor in viable, locally-owned timber operations capable of producing wood products for domestic consumption. I believe that achievement of this goal would be enhanced by bringing to bear the full spectrum of rural and business development programs implemented by the Department of Agriculture, Small Business Administration, and other federal agencies, in cooperation with the State of Alaska.
- In previous correspondence, I have recommended that the existing contract between the federal government and the Ketchikan Pulp Corporation (KPC), as well as other timber contracts with Alaska purchasers, be extended for one year. In the case of KPC, such an extension would permit a smooth transition between KPC and the newly formed Gateway Corporation, should the two companies consummate a sale agreement establishing Gateway as a wholly independent Alaska company. Gateway has promised to build a veneer plant in Ketchikan, thereby preserving and enhancing the existing job base. However, I want to emphasize that this extension, and Tongass policy generally, should be premised on the principle of a level playing field which ensures that all Alaska operators have a fair opportunity to bid on Tongass timber.
- The Southeast Alaska Community Economic Revitalization Team (SEACERT), which was established by you and me to address social and economic problems in the Tongass, should be continued. At times, SEACERT has been a useful forum for federal, state, and local officials to discuss problems arising from the closure of Southeast Alaska's two pulp mills and other conditions. However, to ensure that real benefits accrue to the people of Southeast, meaningful administrative and project funding should be made available, something that has not occurred previously.

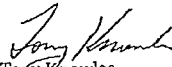
The Honorable Dan Glickman
July 20, 1999
Page 4

- The Forest Service should enter into a direct and meaningful dialogue with representatives of the timber industry and other users of the Tongass to explain current federal policies, to obtain feedback on these policies, and to determine how best to assist the wood manufacturing industry in making the transition to enhanced value added operations. Another goal of this dialogue would be to aid tourism and other non-timber businesses by apprising them of available federal programs.
- A "Jobs in the Woods" program in the State of Alaska would provide needed funding for on-the-ground projects to help employ timber workers displaced by recent mill closures. Similar programs have been undertaken in the northwest with some success. I think the Forest Service can learn from that experience and put people to work on projects that benefit businesses, Alaska residents, and the health of the forest.
- A variety of additional projects could employ Alaskans, improve infrastructure, and maintain forest health. For example, the extensive network of Forest Service roads on Prince of Wales Island could be reviewed to determine which roads should be improved for permanent and intensive use, which roads should be reclaimed and re-vegetated, and which roads should be left open for local access. Another project could address the redevelopment and restoration of Ward Cove in Ketchikan.
- Finally, I want to endorse the Interim Salvage Permit Program and Pilot Project being contemplated for the Thorne Bay area. This program would enable small timber operators to purchase easily accessible dead, dying, and down timber within a reasonable timeframe. There are strong reasons to implement this program, which is based on recommendations by participants in one of the Forest Service's "collaborative stewardship" efforts. We will communicate further with the Alaska Regional Forester on this matter.

Mr. Secretary, we recognize that the Tongass is an important national asset. However, it is also the place where many Alaskans live, work, subsist, and recreate. In my opinion, federal policies for the Tongass must recognize these realities. Accordingly, I would like to work with you and your staff to ensure a viable timber industry and true multiple use in the Tongass.

Thank you for your consideration of my views.

Sincerely,


Tony Knowles
Governor

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TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

October 12, 1999

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

Mr. George Frampton, Chair
Council on Environmental Quality
722 Jackson Place
NW Washington, DC 20503

Dear Mr. Frampton:

It is our understanding the White House may be considering a directive to the U.S. Forest Service to include the Tongass National Forest in the services' national roadless area review. If so, I would consider this to be an outrage and a doublecross.

It would be an outrage because we were assured previously that the Tongass would not be included in this review because of the finalization of the Tongass Land Management Plan (TLMP). In fact, Undersecretary Jim Lyons recently visited Southeast Alaska and, to our knowledge, said nothing about the Tongass' inclusion in national roadless planning.

TLMP took 15 years and millions of dollars to complete, and was one of the most elongated and thorough resource planning processes in the history of the nation. The public was involved on numerous occasions. The roadless area review, together with harvest cycles and other relevant matters, was very much a part of this process.

A purpose of TLMP was to bring stability and certainty to the economy of Southeast Alaska. Many jobs and families, not only in the timber industry, are dependent on such stability.

When I brought all the mayors of Southeast Alaska to speak with White House Chief of Staff Leon Panetta on this subject, we were assured that TMLP would be concluded with finality to provide that needed stability to the families of Southeast Alaska. A change now in that course and direction would constitute a doublecross of the citizens of the State of Alaska.

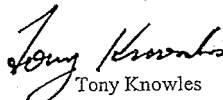
Mr. George Frampton
October 12, 1999
Page 2

Application of a new roadless area policy in the Tongass would constitute a major modification of the current management plan. If modifications are deemed necessary for this or any other reason, they should be accomplished through the structured and well-established process for amending a forest plan.

My Administration has long advocated the "doing it right" principle of resource planning and management. This approach involves sound science, prudent management, and an open and fair public process. A unilateral decision by the White House to include the Tongass in the Forest Service's roadless area review would be a complete repudiation of this policy.

Accordingly, as Governor, I would be compelled to do everything within my power to protect the families of Southeast Alaska.

Sincerely,


Tony Knowles
Governor

cc: John D. Podesta
Chief of Staff to the President

56467
During Session, January - May:
State Capitol, Room 113
Juneau, Alaska 99801
(907) 465-2095
465-3810 FAX



Senator Loren Leman

June 26, 2000

Secretary Dan Glickman
USDA Forest Service - CAET
Attn: Roadless
PO Box 221090
Salt Lake City, UT 84122

Dear Secretary Glickman:

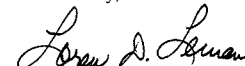
I oppose including Alaska's national forests in President Clinton's ill-conceived "Roadless Plan". This is the same Administration that has decimated Alaska's timber industry and yet offered Alaska the privilege of logging a tree from the Tongass National Forest to decorate the White House at Christmas in 1998. Our Legislature overwhelmingly rejected that "opportunity."

At a time when homeowners in the Lower 48 states are relying on record amounts of timber from Canada to build new homes, I find it incredible that the Clinton Administration wants to further expand that importing by including Alaska's forests in this Draft Environmental Impact Statement.

Although the Tongass has been excluded temporarily, my comments are intended to leave no doubt about the negative impacts of this action on Alaska. This proposal clearly sets aside additional de facto wilderness, an act disallowed under the no-more wilderness clause of ANILCA (§ 708 (b)(4) "unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System"). Any application to national forests in Alaska of the new roadless policy would violate the ANILCA agreement, creating de facto wilderness without an action of Congress.

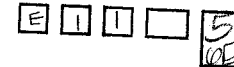
It is summer in Alaska. During our abbreviated summer, Alaskans are busy fishing, mining, logging and hosting thousands of tourists. I request that you extend the comment period on the Draft EIS 120 days - through November- so that more Alaskans may comment.

Sincerely,


Loren Leman
Senator

Senator_Loren_Leman@lsgis.state.ak.us • www.akrepublicans.org/Leman.htm

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During Interim, June - December:
716 W 4th Ave, Suite 520
Anchorage, Alaska 99501
(907) 269-0240
269-0242 FAX



CAET RECEIVED

JUN 30 2000

Alaska State Legislature

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During Interim: (June - Dec)
716 West 4th Avenue, Suite 500
Anchorage, AK 99501-2133
(907) 258-8185
Fax (907) 258-0226

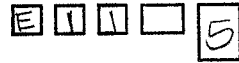


Drue Pearce
President of the Senate

During Session: (Jan - May)
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

13560

June 28, 2000



USDA Forest Service-CAET
Attn.: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED

JUN 30 2000

Dear U.S. Forest Service:

I am writing to express my views about the Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. The proposed roadless withdrawal is unsound both legally and as a public policy matter. As a lawmaker in a state affected most severely by the proposal, it is imperative that I advise you of my constituents' views.

Every national forest exhibits unique scientific and aesthetic characteristics. Yet the proposed plan fails to address even the most basic individual needs of our national forests, which are found in ecosystems as different as Florida and Alaska. The future of our nation's forests is too important to be decided without first addressing the specific needs of each forest.

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 placed into law an agreement between Congress and the Carter White House that any further conservation unit decisions in Alaska would fall under the sole purview of Congress. Hence, the meaning of the several "no more" provisions of the Act. Any application to national forests in Alaska of the new roadless policy would violate the ANILCA agreement, creating *de facto* wilderness without any congressional action.

In addition, most of the non-roaded areas of the Tongass National Forest already fall under some other form of protection, including Wilderness designation, congressionally designated LUD II areas, administrative land use designations for non-development such as "remote recreation" and Wild and Scenic River designations. The only roadless acreages under current consideration for protection are those few areas presently open for resource extraction. The closed areas have already left entire industries in complete collapse, including all the families forced to recover the losses.

The proposal is seriously flawed from a public policy perspective. It is particularly inappropriate in the Tongass National Forest, an area recently subjected to an extensive 11 year plan revision-- a plan that withdrew more than half the land previously available for development in the Tongass. The proposal may ultimately encompass up to 60 million acres, over 13 million of which lies within the state of Alaska.

The proposal is also contrary to the forest-by-forest planning process established by the National Forest Management Act (NFMA). It is entirely inappropriate to perform a nationwide "super-EIS" in one short year that will overturn decisions made through the land management plan process which involves local decisions based on public and agency review. There simply is no basis in science driving this proposed policy. The needs of wildlife, fish and the non-development sector of the public are fully met by the planning process mandated by NFMA and NEPA. The sole purpose of the roadless policy currently under consideration is to satisfy the demands of environmental groups who wish to stop all industrial activities on all public lands.

Finally, I want to appeal to your sense of fairness. We live amid these great forests every day. We don't wish to destroy them. We merely wish to use them--for the same reasons you now propose to keep them from us. We are responsible stewards of the land, and we want to keep the forests for our children to enjoy. These forests are literally in our back yards. Please do not include the Tongass or Chugach forests in the final roadless plan. Thank you.

Sincerely,

Senator Drue Pearce
SENATE PRESIDENT
Alaska Legislature

ALASKA STATE LEGISLATURE
House of Representatives

17254

17254

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT & TOURISM, MEMBER



e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

Representative Norman Rokeberg

July 12, 2000

V I I I I 5

United States Department of Agriculture
Forest Service - CAET
PO Box 221090
Salt Lake City, UT 84122

via e-mail to: roadlessdeis@fs.fed.us
HARD COPY FOLLOWS VIA USPS

Attention: Roadless Area Conservation Proposed Rule

Dear Ladies and Gentlemen:

I am writing to express my views about the Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. The proposed roadless withdrawal is unsound both legally and as a public policy matter. As an Alaskan citizen and lawmaker residing in a state impacted most severely by the proposal, I feel it is imperative that I advise of you my views and my constituents' views.

Every national forest is unique in its own way. The proposed plan fails to address the individual needs of our national forests that are found in diverse areas. The future of our nation's forests is too important to be decided without taking into consideration the individual needs and ecosystems of each area. The proposal may ultimately encompass up to 60 million acres, over 13 million of which lies in the state of Alaska. Both of Alaska's national forests are supposed to be multiple-use areas. "Multiple-use" includes such things as recreation, mining, logging, and other uses that could not be accomplished without reasonable access.

The proposal is also contrary to the forest-by-forest planning process established by the National Forest Management Act (NFMA). It is entirely inappropriate to perform a nationwide "super-EIS" in one short year that will overturn decisions made through the land management planning process which involves local decisions based on public and agency review. There simply is no basis in science driving this proposed policy -- it appears to be the desire to "lock up" more land, and, in particular, more land in Alaska. The needs of wildlife, fish, and the non-development sector of the public are fully met by the planning process mandated by NFMA and NEPA. The sole purpose of the roadless

INTERIM:
716 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE: (907) 268-0117
FAX: (907) 268-0119

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1152
PHONE: (907) 465-4989
FAX: (907) 465-2040

United States Department of Agriculture
July 12, 2000
Page 2

policy currently under consideration is to satisfy the demands of environmental groups who wish to stop all industrial activities on all public lands. Additionally, the policy is short sighted and does not adequately address the needs of Americans for resource development, value added products, and long-term, stable employment.

ANILCA: The Alaska National Interest Conservation Act (ANILCA) of 1980 placed into law an agreement between Congress and the Carter White House that any further conservation unit decision in Alaska would fall under the sole purview of Congress. Hence, the meaning of several "no more" provisions of the Act. Any application to national forest in Alaska of the new roadless policy would violate the ANILCA agreement, creating *de facto* wilderness without any congressional action.

CHUGACH: The Chugach National Forest is one of the jewels of the Anchorage area -- but it is progressively becoming a dangerous and almost worthless jewel. The nation's second largest national forest (surpassed in size only by another national forest in Alaska - the Tongass) is home to many acres of beetle-infested or killed spruce. The Chugach contains some 5.6 million acres and I suspect that over 90% of that acreage is in danger because of the spruce bark beetle infestation. Apparently this beetle situation has now brought about this summer's carpenter ant problem in the Central Kenai. Since NOTHING has been done about this matter [infested or dead trees], the forest itself is now a tinderbox waiting to be turned into a great roaring out-of-control fire. I am not an alarmist but I see this in the future of the Chugach. Removal of, at a minimum, the infested and dead spruce needs to be accomplished and this cannot be accomplished without roads. The proposed policy would only add to the already high danger faced by residents of Anchorage and the Kenai Peninsula -- danger that can be placed squarely at the feet of short-sighted policy makers who listen to environmental groups but do not take into consideration wildlife and people. This timber can be salvaged BUT without roads it cannot be done. Without roads, fire service personnel would not be able to reach areas where fires might start and thus the very real danger of burning down most of the Kenai Peninsula, a good part of the Anchorage Hillside and adjacent areas exists.

I would also point out that roads used to log can be left in place and blocked off so that they cannot be used by motorized vehicles but can be enjoyed by people (hiking, etc.) and animals (moose and bear, for example, prefer well-defined paths at times).

An out-of-control fire in the Chugach Forest has the real ability to spill over into the neighboring Chugach State Park and down the hills into Anchorage. Millions of dollars would be spent fighting such a fire. Economic losses would be huge. I suspect that loss of wildlife would be tremendous as well as domestic pets, homes, and unfortunately, people. Individuals managing the forest and those fighting against any roads or removal of timber are not offering any way out of this situation and are apparently opposed to

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any rational means to address the problem. Smart and sound forest management would seem to be to permit logging in the Chugach in order to allow the spruce to be removed BEFORE a tragedy occurs. In order to log, roads are needed. Roads are not a bad thing.

Currently much of the Chugach is inaccessible to the average American -- the non-hiking backpacking American. With the ability to log and build roads, the area could be opened up for camping and enjoyment of the outdoor experience. I realize that such a concept will cause the environmental groups to rise up in arms BUT the "public" is not just the environmentalists. The "public" includes all of us -- the elderly, the disabled, the not-so-fit American who would like to have more recreational opportunities and whose taxes pay the "upkeep" of the National Forests.

It is not like the Chugach would be made treeless if the spruce were removed so that more new healthy trees could grow. While it would take some time to grow large trees, personally I would rather see the Chugach logged then become a blackened fire area.

I cannot stress enough my concern that making the Chugach a roadless area and not permitting the removal of dead trees from the forest is a danger to Alaskans and residents of Anchorage. If a fire starts in the Chugach, spreads to the Hillside, and gets out of control (which is a very strong possibility), the human, animal, and economic losses would be in the billions of dollars. Doesn't it make more sense to permit logging, have the logging companies reforest, improve some the logging roads to permit recreational activities (note that I am not advocating that all logging roads be turned into recreational access roads -- just some), and open up some of the Chugach to use by all Americans not just a select few?

My constituents feel strongly about this also. In 1997 and 1998, I surveyed my House District (District 11) households and asked "Should the United States Forest Service or the Alaska Division of Forestry offer areas severely effected by spruce beetle kill for harvesting by logging companies?" In both years, over 87% of those responding to the question answered in the affirmative. My constituents realize the dangers -- do you?

TONGASS: It is my understanding that the current plan is to hold off any decision on the Tongass until 2004 but that some are advocating that the Tongass be included in the current roadless plan. Most of the non-roaded areas of the Tongass National Forest already fall under some form of protection, including Wilderness designation, congressionally designated LUD II areas, administrative land use designations for non-development such as "remote recreation" and Wild and Scenic River designations. The United States Department of Agriculture
July 12, 2000

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only roadless acreages under current consideration for protection are those few areas presently open for resource extraction. The closed areas have already left entire industries in complete collapse, including all the families forced to deal with this dilemma (many by leaving Alaska).

The proposal is seriously flawed from a public policy perspective. It is particularly inappropriate in the Tongass National Forest, an area recently subjected to an extensive 11-year plan revision -- a plan that withdrew more than half the land previously available for development in the Tongass.

As a legislator, I have seen what the policies in the Tongass have done to the people of Southeast Alaska and the picture is not pretty.

CONCLUSION: Finally, I want to appeal to your sense of fairness. We Alaskans live amid these great and beautiful forests every day. We do not wish to destroy them. We merely wish to protect them and use them -- for the same reasons you now propose to keep them from us. We are responsible stewards of the land, and we want to keep the forest for our children and grandchildren to enjoy. I look forward to taking my grandchildren camping and fishing in these areas -- not telling them that poor unguided management policies permitted the Chugach to burn and the Chugach and Tongass to become nothing more than the playground of a select few. These forests are literally in our back yards. Please do not include the Tongass or Chugach forests in the final roadless plan - continue to consider, on an individual case-by-case basis, what should be done in the Nation's two largest National Forests.

Sincerely,



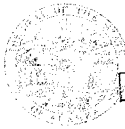
Norman Rokeberg
State Representative
Alaska House District 11

17254

Alaska State Legislature

Member:
House Finance
Subcommittee Chair:
Transportation
Environmental Conservation
Subcommittee Member:
Fish and Game

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JUL 10 2011



V I I I S OF

Representative William K. Williams

16030

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 747-4672
Fax (907) 225-7157

Testimony of Representative Bill Williams

I am upset that we all have to come out again and defend our access to and our right to live and work in our forests here in Alaska. More than enough of Alaska has been set-aside in preserves and wilderness.

I watched Undersecretary of Agriculture Lyons state in front of Congress that the roadless proposal would not create more wilderness in Alaska. While the President's proposal may not be Congressionally designated Wilderness, if it walks like a duck and quacks like a duck, it's a duck. How will your roadless designation differ from Congressionally designated Wilderness? If you apply the roadless policy in Alaska, can we still log in those areas? Can we still recreate in those areas? What access will we have to 'roadless' designated areas?

This past legislative session I introduced House Joint Resolution 54. HJR 54 opposed any application of the President's roadless initiative in Alaska, and requested that the Governor take legal action if the President elects to apply the roadless policy here. I am happy to say that HJR 54 passed the legislature by a 47-4 vote! An overwhelming majority of our state

Hyder • Ketchikan • Meyers Chuck • Saxman

Representative_Bill_Williams@legis.state.ak.us

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legislators, our Congressional Delegation, and our Governor are opposed to applying this roadless policy in Alaska.

I would hope that you would scrap the whole idea of trying to apply a nation-wide edict to our national forests. The proper place to make roadless, or any other land use decisions on any national forest is in each forest's planning process, not by Presidential decree.

How is the public supposed to evaluate your 700-page draft? More time is needed for the public to comprehend what you are trying to accomplish. At the very least, you need to extend your comment period so the public can better understand what you are proposing. How is it that you can complete an EIS on over 50 million acres in a few months, when it takes years to complete an EIS on one small timber sale?

There are many lingering questions; I'd like for you to answer a few of them:

How will the timber-dependent communities of Southeast be affected if you implement the roadless policy here?

With TLMP taking over 10 years and \$13 million dollars to complete, and with it supposedly based on science, how is it that all of the habitat conservation areas and other land use designations that limit or prohibit development weren't enough? Where is the science to back up any new roadless proposal that might be applied to the Tongass?

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We have had record fish runs in Southeast for years. Where is the science which shows that past activities on the Tongass have had a negative impact on our fisheries?

If the roadless proposal is applied to the Tongass, how will you meet the 'seek to meet market demand' requirements of the Tongass Timber Reform Act? Does the roadless proposal square with the no more clauses of ANILCA?

Does the Forest Service still have the multiple use mandate that Congress directed? How many acres of forest will be managed for multiple use if you implement this policy in Alaska?

In closing, I would like to submit a copy of HJR 54 for the record. I would also like to re-emphasize that Alaskans have already done their part in protecting wild lands. Do not apply your roadless policy here, and I would suggest scrapping the notion of applying it nation-wide. If you persist on going forward, you need to extend the public comment to give us time to better evaluate your proposal. The last time I looked the Forest Service still had a multiple use mandate and a responsibility to the people who live in our national forests. Don't make us the next endangered species.

**STATE OF ALASKA
THE LEGISLATURE**

2000

Source
HJR 54

Legislative
Resolve No.
37



Relating to urging the exclusion of national forests in Alaska from President Clinton's proposal for withdrawal of roadless areas in the national forest system.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the forest products industry has been and continues to be an important economic sector in Alaska that contributes significant employment income to the economy of the state, and, through purchases of timber from National Forest System lands, contributes significant revenue to local communities through the 25 percent revenue sharing provisions of federal law; and

WHEREAS application of President Clinton's proposed roadless policy to the Tongass and Chugach National Forests would designate significant additional acreage as administrative, de facto wilderness areas within Alaska; and

WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 708(b)(4), Alaska National Interest Lands Conservation Act (ANILCA), which specifically prohibits another roadless area review and evaluation (RARE) on national forest lands in Alaska for the purpose of setting aside commercial forest land as wilderness; and

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WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 1326(a) of ANILCA, which prohibits the withdrawal of more than 5,000 acres, in the aggregate, of public lands within Alaska without the consent of the Congress; and

WHEREAS application of the President's proposed roadless policy in Alaska would be contrary to sec. 1326(b) of ANILCA, which expressly prohibits studies of public lands for the purpose of considering the establishment of new conservation system units, recreation areas, national conservation areas, or for related or similar purposes; and

WHEREAS the Tongass Timber Reform Act of 1990 and other Congressional and administrative actions have withdrawn more than 90 percent of the Tongass National Forest from availability for timber harvest and other resource development opportunities; and

WHEREAS the 1997 and 1999 revisions of the Tongass Land Management Plan (TLMP) further reduced the available commercial forest lands in the Tongass to 576,000 acres out of nearly 6,000,000 suitable acres across the forest; and

WHEREAS the available commercial forest lands remaining after the 1999 TLMP amendments are insufficient to satisfy the raw material needs of Southeast Alaska's forest products manufacturing industry given the plan's maximum annual economic offering level of 153,000,000 board feet; and

WHEREAS, should the President's roadless policy be applied to the Tongass, it would further reduce the available commercial forest lands in the Tongass to less than half the currently available acreage and could reduce the maximum annual offering level to as low as 30,000,000 board feet; and

WHEREAS application of the President's proposed roadless policy to the Tongass, together with Under Secretary Lyons' 1999 unilateral TLMP amendment, would nullify the results of the United States Forest Service's 1986-1997 planning process in the Tongass, which cost the taxpayers more than \$13,000,000; and

WHEREAS application of the President's proposed roadless policy to the Tongass, together with Under Secretary Lyons' 1999 unilateral TLMP amendment, would further destabilize the already unstable timber-based economy of Southeast Alaska by forcing the closure of most of the remaining forest products manufacturing facilities, resulting in loss of employment and associated negative socioeconomic impacts within timber-dependent communities and the Southeast Alaska region; and

LR 37

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WHEREAS the Chugach National Forest has spent three years and several million dollars conducting a revision to its land management plan and is within a few months of issuing the Draft Environmental Impact Statement for that plan; and

WHEREAS a wide range of interests from the Alaska public has been involved in the Chugach land management planning process, working to develop a range of plan alternatives that respond to the public's interests, needs, and concerns, and the President's roadless policy would render that involvement and expense pointless and undermine public confidence in the planning process; and

WHEREAS the public, through the Chugach Land Management Plan revision scoping process, has expressed deep concern that the approximately 130,000 acres of the Chugach National Forest suffering from spruce bark beetle damage must be managed for the restoration of a green, healthy forest, and the application of the President's roadless policy will prevent the access required by land managers to accomplish that restoration work; and

WHEREAS application of the President's roadless policy will render it virtually impossible for inholders and adjacent landowners, particularly families and small business owners, to obtain the access to their property that was promised them in ANILCA;

BE IT RESOLVED that the Alaska State Legislature opposes any application of President Clinton's proposed roadless policy to national forests in Alaska and urges the President to obey the requirements of ANILCA and to respect the National Forest Management Act planning process by refraining from including the Tongass and Chugach National Forests in the proposed policy; and be it

FURTHER RESOLVED that the Alaska State Legislature supports the efforts of Governor Tony Knowles, U.S. Senator Ted Stevens, U.S. Senator Frank Murkowski, and U.S. Congressman Don Young in opposing the application to Alaska of the President's proposed roadless policy and urges them to maintain their objections and to continue to press for the exclusion of Alaska's forests; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the Governor to determine what legal action may be available under ANILCA to enjoin the application of the roadless policy to Alaska and to file the proper legal action when this issue becomes ripe if the President elects to apply the policy to Alaska.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the

-3-

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United States; the Honorable Dan Glickman, United States Secretary of Agriculture; Mike Dombek, Chief of the United States Forest Service, United States Department of Agriculture; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

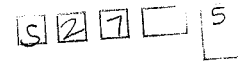
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CITY OF ANGOON

P.O. BOX 189 • ANGOON, ALASKA 99820 • (907) 788-3653 • FAX (907) 788-3821

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CAET RECEIVED
JUL 13 2000

Mr. Acting Admiralty Island National Monument Manager, Pete Griffin.

I sit here as the Representative for the City of Angoon to offer this Resolution #00-20 which was passed by the Angoon City Council on June 20th, 2000.

It is very important that you recognize that our position on the Tongass Roadless proposal is the same as Sealaska Corporations and our sister Cities Kake and Hoonah.

“NOTE”: You can either read the resolution or ask to just have it submitted for the record.

Mr. Manager I thank you very much for this opportunity to speak on Behalf of the City of Angoon on the Tongass Roadless proposal. Thank you very much Sir.

RESOLUTION #00-20

A RESOLUTION OF THE ANGOON CITY COUNCIL SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS: The Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and.

WHEREAS: The Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and.

WHEREAS: Any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Southeast Alaska communities caused by previous changes in federal policy; and,

WHEREAS: The U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year plan review scheduled for April, 2004.

NOW THEREFORE BE IT RESOLVED THAT: By the Angoon City Council as follows:

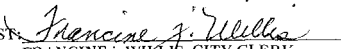
- Section 1 The Angoon City Council strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the road less area conservation proposal.
- Section 2 The Angoon City Council supports proper resource planning in the Tongass National Forest with decision making at the local level.
- Section 3 This resolution is effective immediately upon passage and approval.

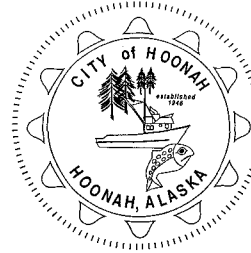
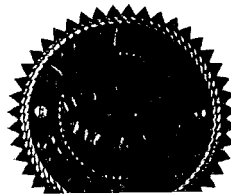
NOW THEREFORE BE IT FURTHER RESOLVED THAT: Angoon as a community, which is located within a National Monument, and not being a part of the Tongass National Forest, we do support the resolutions of the City of Hoonah and the City of Kake.

PASSED AND APPROVED by a duly constituted quorum of the Angoon City Council on the 20th day of June, 2000.

FOR THE CITY OF ANGOON:


FLOYD M. KOOKESH, MAYOR

ATTEST: 
FRANCINE J. WILLES, CITY CLERK



CITY OF HOONAH

P.O. Box 360 • Hoonah, Alaska 99829 • (907) 945-3663 • FAX (907) 945-3445

RESOLUTION NO 00-06-05

A RESOLUTION OF THE COUNCIL OF THE CITY OF HOONAH, ALASKA SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS: the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and

WHEREAS: the Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and

WHEREAS: any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Hoonah and other Southeast Alaska communities caused by previous changes in federal policy; and

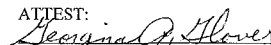
WHEREAS: the U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year forest plan review scheduled for April, 2004

NOW, THEREFORE BE IT RESOLVED THAT: by the Council of the City of Hoonah, Alaska as follows:

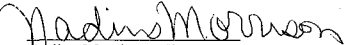
- Section 1 The Council of the City of Hoonah, Alaska strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the road less area conservation proposal.
- Section 2 The Council of the City of Hoonah, Alaska supports proper resource planning in the Tongass National Forest with decision making at the local level.
- Section 3 This resolution is effective immediately upon passage and approval.

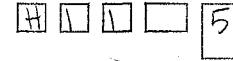
CERTIFICATION:
I the undersigned hereby certify that the City Council is composed of six (6) members, of whom four (4) constituting a quorum, were present at a meeting duly and regularly called, notice convened and held this 27th day of June, 2000, and that the foregoing resolution was duly adopted at said meeting by the affirmative vote of 4 members, and opposed by 0 members, and that said resolution has not been rescinded or amended in any way.

PASSED AND APPROVED this 27 day of June 2000.

ATTEST: 
Georgina A. Glover, City Clerk



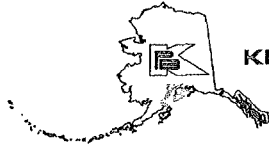

Nadine Morrison, Vice-Mayor



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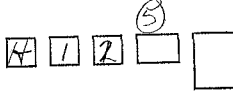
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KENAI PENINSULA BOROUGH

144 N. BINKLEY · SOLDOTNA, ALASKA · 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892



DALE BAGLEY
MAYOR

July 17, 2000

USDA Forest Service
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah

Re: Roadless Initiative – Support for Prohibition Alternative 1 – No Action; No Prohibition or Procedural Alternative A – No Action; No Procedures

Dear USDA Forest Service:

I would like to comment on the recent Forest Service Roadless Area Conservation Draft Environmental Impact Statement. The preferred alternative prohibits road construction and reconstruction on National Forest System Lands, including the Chugach National Forest, partially within the Kenai Peninsula Borough.

If adopted, this prohibition of building new roads would have a significant impact on the Kenai Peninsula Borough. Issues affecting the Kenai Peninsula Borough include:

- Public Safety – Cooper Landing Bypass, Spruce Bark Beetle mitigation
- Historical Usage – Mineral location and Mining Operations, Timber Sales
- Lost Revenue to the borough – Loss of PILT funding, Sales Tax revenue
- Future access – User Friendly Access

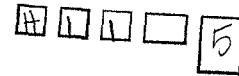
The State of Alaska, Department of Transportation and Public Facilities is currently revising the environmental impact statement for the only highway providing access to the Kenai Peninsula. The proposed bypass in the Cooper Landing area will be a new road within the National Forest. Will this project qualify for a public safety exemption?

Decisions about road construction and access should be made at the local level, rather than as a blanket National policy. I strongly urge you adopt Prohibition Alternative 1 – No Action; No Prohibition or Procedural Alternative A – No Action; No Procedures.

Sincerely,

Dale Bagley

Dale Bagley
Borough Mayor



EPB 44350

334 Front Street
Ketchikan, Alaska 99901
Phone 907-225-3111
Fax 907-225-5075

Arde
Jim

June 21, 2000

Rick Cables, Regional Forester
P.O. Box 21628
Juneau, Alaska 99802-1628

Dear Regional Forester Cables:

At its regular meeting of May 18, 2000, the Ketchikan City Council passed Resolution No. 00-1978, which supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the National Roadless Area Conservation proposal. I have enclosed this resolution for your information.

Sincerely,

Bob Weinstein
Mayor

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JUN 23 2000

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CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 00-1978

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA SUPPORTING THE RECOMMENDATION OF THE U.S. FOREST SERVICE TO EXCLUDE THE TONGASS NATIONAL FOREST FROM THE NATIONAL ROADLESS AREA CONSERVATION PROPOSAL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and

WHEREAS, the Tongass Land Management Plan (TLMP) was created to assure residents of Southeast Alaska that a long-term economic balance would be provided; and

WHEREAS, any further diminishment of the timber base in the Tongass National Forest would exacerbate the economic harm to Ketchikan and other Southeast Alaska communities caused by previous changes in federal policy; and

WHEREAS, the U.S. Forest Service is recommending that the Tongass National Forest be excluded from additional restrictions on roads until the five-year forest plan review scheduled for April, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska, as follows:

Section 1. The Council of the City of Ketchikan, Alaska strongly supports the recommendation of the U.S. Forest Service to exclude the Tongass National Forest from the roadless area conservation proposal.

Section 2. The Council of the City of Ketchikan, Alaska supports proper resource planning in the Tongass National Forest with decision making at the local level.

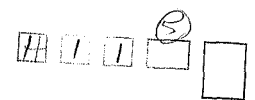
Section 3. This resolution is effective immediately upon passage and approval.

PASSED AND APPROVED this 18th day of May, 2000.

Bob Weinstein, Mayor

ATTEST:

Katherine M. Suiter, City Clerk



334 Front Street Ketchikan, Alaska 99901 Phone 907-225-3111 Fax 907-225-5075

July 17, 2000

VIA FAX 877-703-2494

Forest Service-CAET, Attn: Roadless P.O. Box 221090 Salt Lake City, Utah 84122

To Whom It May Concern:

Enclosed you will find a copy of Resolution No. 00-1978, which supports the recommendation of the Forest Service to exclude the Tongass National Forest from the proposed roadless area conservation proposal. This resolution was unanimously approved by the Ketchikan City Council.

The City supports the recommendation to exclude the Tongass for a number of reasons, including:

- 1. The Tongass Land Management Plan (TLMP), adopted in April 1999 after many years in process and after the expenditure of large sums of federal funds on environmental and related studies, already excludes 94.5% of the total acreage of the Tongass National Forest from commercial timber harvest. Put in another way, the vast majority of the 5,000,000 acres which have been identified by advocates of additional roadless restrictions are already restricted by being placed in a category which does not allow commercial timber harvest. These facts have been completely ignored by those who advocate that the Tongass be subjected to further restrictions.
2. Ketchikan's largest employer, Ketchikan Pulp Company, closed in 1997. Ketchikan's payroll has decreased by 10% (unadjusted for inflation) since that time. Our community cannot endure additional economic harm due to additional restrictions on the timber industry.
3. At a meeting of Southeast Alaska mayors (as well as in a personal conversation with me) in Sitka last year, Undersecretary of Agriculture Jim Lyons assured us that, based upon his record of decision on TLMP, there would be a timber harvest sufficient to operate existing and projected timber-related businesses in our communities. Additional restrictions in the Tongass National Forest, which would clearly result by inclusion of the Tongass, would contradict the statements made by Mr. Lyons.

Thank you for the opportunity to comment.

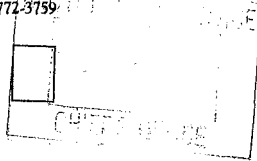
Sincerely, Bob Weinstein, Mayor

cc: Congressional delegation



CITY OF PETERSBURG
P.O. BOX 329 • PETERSBURG, ALASKA 99833
TELEPHONE (907) 772-4511
TELECOPIER (907) 772-3759

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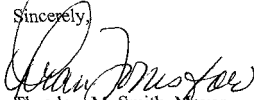
July 11, 2000

Mike Dombeck, Chief
USDA Forest Service
Box 96090
Washington, DC 20090-6090

Dear Mr. Dombeck:

I understand the deadline for public comment regarding the Roadless issue is July 17, 2000. Please find attached a copy of our Resolution No. 1598-R, opposing the inclusion of the Tongass National Forest in the USDA Forest Service's National Roadless Area Review.

Sincerely,


Theodore M. Smith, Mayor
City of Petersburg

CAFT RECEIVED
JUL 17 2000

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JUL 17 2000

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RESOLUTION NO. 1598-R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PETERSBURG, ALASKA OPPOSING THE INCLUSION OF THE
TONGASS NATIONAL FOREST IN THE USDA FOREST SERVICE'S
NATIONAL ROADLESS AREA REVIEW**

Whereas, Section 708 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) resolved roadless issues in a compromise bill as well as established over five million acres in 14 areas as Wilderness on the Tongass National Forest; and

Whereas, the Tongass Timber Reform Act of 1990 added 350,000 acres on the Tongass National Forest in five new Wilderness areas and one addition to an existing wilderness; and

Whereas, the Tongass Timber Reform Act also designates almost 690,000 acres in 12 Congress mandated roadless areas to maintain their wildland characteristics; and

Whereas, the Record of Decision (ROD) signed by Undersecretary Lyons noted the Tongass National Forest would be exempt from roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and

Whereas, Mr. Lyons also noted that he considered the roadless issue in his decision and addressed it through changing land allocations to mostly natural Land Use Designations in 18 un-roaded areas totaling 500,000 acres; and

Whereas, Mr. Lyons stated in the ROD that 90 percent or more of all currently un-roaded lands on the Tongass will still be roadless at the time of the next forest plan revision; and

Whereas, only 3 percent of 17 million acres on the Tongass National Forest will be used to sustain the timber industry over the next 10 years; and

Whereas, approximately 1/2 of the current Tongass National Forest timber base is included in areas which would remain un-roaded under the initiative; and

Whereas, Mr. Lyons, on September 28, 1999 in Sitka, Alaska, stated at the Southeast Conference of Mayors, that his decision on the Tongass Plan was made to "finally provide some certainty with regard to future uses and management direction on the Tongass", and also assured the Mayors that "we have to move on"; and

Whereas, we agree with the Governor of the State of Alaska that the inclusion of the Tongass in the roadless review would be an outrage as assurances were provided that the resolution of the Tongass planning process would put an end to this issue; and

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Whereas, the Tongass National Forest is essential in bringing stability and certainty to the economy of Southeast Alaska, providing jobs for many families dependent on such stability; and


Whereas, the implementation of the roadless initiative to the Tongass National Forest would greatly diminish access to timber and other natural resources and may eliminate opportunities for construction of future transportation or utility corridors throughout the Southeast Alaska region; and

Whereas, any further diminishment of the timber base in the Tongass National Forest would exacerbate economic harm to Petersburg and other Southeast Alaska communities caused by previous changes in federal policy.

Now Therefore Be It Resolved by the City Council of the City of Petersburg as follows:

1. The City Council strongly opposes the inclusion of the Tongass National Forest in the "roadless area" policy review; and
2. The Petersburg City Council opposes any unilateral action to modify the Record of Decision as such action is contrary to proper resource planning and circumvents the public planning process.

Passed and Approved by the City Council of the City of Petersburg, Alaska this 16th day of December, 1999.



[Signature]
City Clerk

[Signature]
Mayor



Prince of Wales Chamber of Commerce

PO Box 497 * Craig, Alaska 99921
 Phone: 907-826-3870 * Fax 907-826-5467
 E-mail: powcc@ptialaska.net
 Web Site: www.princeofwalescoc.org

June 27, 2000



CAET RECEIVED
 JUL 13 2000

Once again, the communities of Prince of Wales Island are fighting for their economic survival. I cannot tell you how many of these hearings that we have had to endure over these past 10 years. But there have been too many, they have been too exhausting and they have been too disappointing.

We used to have a vibrant timber industry that provided our local citizens with good jobs and our communities with a stable economy. We had logging communities at Labouchere Bay, Naukati, Coffman Cove, Thorne Bay and other locations. These communities pumped millions of dollars monthly into the economy of this island as well as that of Ketchikan.

We currently have many independent timber sale operators who are struggling with trying to make ends meet. A Washington and Regional bureaucracy that often display indifference and callousness towards their plight exasperate these problems.

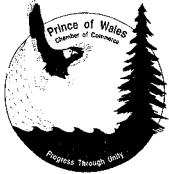
Since the beginning of the struggle with environmental extremists, we have lost many jobs, families, homes, and much of our traditional way of life, not because of a lack of a renewable resource, or new scientific discoveries, but rather by an environmental community that views the timber industry as an evil that must be stamped out. In short, this roadless policy is based on misinformation and emotions rather than logical fact.

This proposed roadless policy would spell the doom of whatever timber industry we have left. It is comparable to taking away Detroit's ability to build cars. This community and others like it cannot withstand any more reductions in our timber base. We have given too much already. It is now time for the other side to show good faith, common sense and above all, some honesty.

The U.S. Forest Service has spent 10 years and thirteen million dollars in the formulation of the Tongass Land Management Plan that although far from being a perfect document, does allow harvesting of timber based on the requirement as spelled out in the Tongass Timber Reform Plan to provide timber based on market demand. Also in the TLMP concerns about roads and road building have already been addressed and should not be discussed further.

The roadless proposal violates the "No-more" clause of ANILCA and cannot be legally applied to Alaska's National Forests. This includes the Tongass. Additional

COFFMAN COVE • CRAIG • HOLLIS • HYDABURG • KASAAN • KLAWOCK
 NAUKATI • POINT BAKER • PORT PROTECTION • THORNE BAY • WHALE PASS



Prince of Wales Chamber of Commerce

PO Box 497 * Craig, Alaska 99921
Phone: 907-826-3870 * Fax 907-826-5467
E-mail: powcc@ptialaska.net
Web Site: www.princeofwalescoc.org

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withdrawals will be devastating to our communities and our way of life. Not only will our remaining timber industry be eliminated, but ultimately our ability to hunt, fish, and otherwise recreate on our National Forest land.

So much of the public land should not be managed and accessible only to a small segment of the country's population. The resources of this incredible land need to be managed for more than just occasional visitors but also allow for year-round residents to earn a living.

Therefore, we would request that this proposed roadless plan be eliminated from further considerations on the Tongass National Forest. We also request that an additional 120 day extension of the public comment period be granted so as to allow more time to review the environmental impact statement.

Thank you for this opportunity to comment on this proposal.

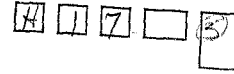
Sincerely,

Fredrick M. Shafer
President
Prince of Wales Chamber of Commerce



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835



July 14, 2000

USDA Forest Service, CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122; FAX 877-703-2494

Dear Forest Service:

The Assembly of the City and Borough of Sitka has passed the enclosed Resolution 00-778 C, A RESOLUTION OF THE CITY AND BOROUGH ASSEMBLY OF SITKA, ALASKA OPPOSING INCLUSION OF THE TONGASS NATIONAL FOREST IN THE U.S. FOREST SERVICE NATIONAL ROADLESS INITIATIVE, POLICY REVIEW & SUPPORTING ALTERNATIVE T-1.

Please include this official position of the City and Borough of Sitka in the official comments concerning the Roadless Area Conservation Proposed Rule.

This comment is being sent by fax with hard copy following by mail. Thank you for the opportunity to comment.

Sincerely,

Administrator

Enclosure

CAFT RECEIVED

JUL 17 2000

43974

CITY AND BOROUGH OF SITKA, ALASKA
RESOLUTION 00-778 (C)

A RESOLUTION OF THE CITY AND BOROUGH ASSEMBLY OF SITKA, ALASKA OPPOSING
INCLUSION OF THE TONGASS NATIONAL FOREST IN THE U.S. FOREST SERVICE NATIONAL
ROADLESS INITIATIVE, POLICY REVIEW & SUPPORTING ALTERNATIVE T-1

Whereas, Section 708 of the Alaska National Interest Lands Conservation Act of 1980 resolved roadless issues in a compromise bill establishing over 5,000,000 acres in 14 areas as Wilderness on the Tongass National Forest and the Tongass Timber Reform Act of 1990 added over 1,000,000 in additional Wilderness designations to maintain their wildland characteristics; and

Whereas, the Record of Decision signed by Undersecretary Lyons on the Revised Tongass Land Use Management Plan notes that the Tongass National Forest would be exempt from the roadless moratorium as the newly revised plan had the benefit of considerable science and public involvement in the 12 year revision process for the Forest Plan; and

Whereas, Undersecretary Lyons noted that he considered the roadless issue in his decision and relates that he addressed it for the Tongass through changing land allocations to Mostly Natural Setting Land Use Designations in 18 un-roaded areas totaling an additional 500,000 acres; and

Whereas, Undersecretary Lyons further stated, given an agreement between the Administration and the Alaska Delegation, that "This agreement should provide us with the stability and good will to move on from past disputes to a more stable climate where the future of the Tongass and SE Alaska is determined not from inside the Washington, DC hallway, but from within the communities of the region itself" (Speech to SE Conference on 9/28/99); and

Whereas, the Tongass National Forest is comprised of approximately 17,000,000 acres, of which 90% is currently un-roaded and approximately 50% of the current Tongass National Forest timber base would become included in the areas proposed for the Roadless Initiative; and

Whereas, the City of Sitka agrees with and supports the Governor of the State of Alaska that the inclusion of the Tongass in the Roadless Initiative and Policy Review would be an outrage as assurances were provided that the resolution of the Tongass planning process would put an end to this issue; and


Whereas, the Tongass National Forest is essential in bringing in stability and certainty to the economy of SE Alaska, providing jobs for many families dependent on such stability and inclusion in the Roadless Initiative would cause economic harm to the region; and

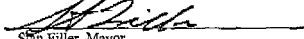
Whereas the implementation of the Roadless Initiative to the Tongass National Forest would greatly diminish access to all natural resources and may eliminate opportunities for the construction of future transportation and utility corridors throughout SE Alaska.

Now Therefore Be It Resolved by the City and Borough Assembly of Sitka, Alaska that the City of Sitka strongly opposes the inclusion of the Tongass National Forest in the "Roadless Initiative," that the City supports Alternative T-1, further that the City supports the current Land Management Plan.

Be It Further Resolved that the City and Borough Assembly of Sitka, Alaska opposes any unilateral actions to modify the Record of Decision as such actions are contrary to proper resource planning and circumvents the public planning process as mandated by the National Forest Management Act.

Passed and approved by the City and Borough Assembly of Sitka, Alaska on July 11, 2000


Colleen Pellet, CMC, Municipal Clerk


Stan Miller, Mayor



H I I O O E
13548
CITY OF THORNE BAY

P.O. BOX 19110
THORNE BAY, ALASKA 99919
(907) 828-3380
FAX (907) 828-3374
email: ctbclerk@thornebay.net

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June 27, 2000

Once Again, the communities of Prince of Wales Island are fighting for their economic survival. I cannot tell you how many of these hearings that we have had to endure over these past 10 years. But there have been too many, they have been too exhausting and they have been too disappointing.

We used to have a vibrant timber industry that provided our local citizens with good jobs and our communities with a stable economy. We had logging communities at Labouchere Bay, Naukati, Coffman Cove, Thorne Bay and other locations. These communities pumped millions of dollars monthly into the economy of this island as well as that of Ketchikan.

We currently have many independent timber sale operators who are struggling with trying to make ends meet. These problems are exasperated by a Washington and Regional bureaucracy that often display indifference and callousness towards their plight.

Since the beginning of the struggle with environmental extremist, we have lost many jobs, families, homes, and much of our traditional way of life, not because of a lack of a renewable resource, or new scientific discoveries, but rather by an environmental community that views the timber industry as an evil that must be stamped out. In short, this roadless policy is based on misinformation and emotions rather than logical fact.

This proposed roadless policy will spell the doom for whatever timber industry we have left. It is comparable to taking away Detroit's ability to build cars. This community and others like it cannot withstand any more

NO. 875 P. 3

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reductions in our timber base. We have given too much already. It is now time for the other side to show good faith, common sense and above all, some honesty.

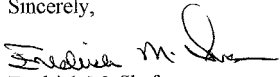
The U.S. Forest Service has spent 10 years and thirteen millions of dollars in the formulation of the Tongass Land Management Plan that although far from being a perfect document, does allow harvesting of timber based on the requirement as spelled out in the Tongass Timber Reform Plan to provide timber based on market demand. Also in the TLMP, concerns about roads and road building have already been addressed and should not be discussed further.

The roadless proposal violates the "No-more" clause of ANILCA and cannot be legally applied to Alaska's National Forests. This includes the Tongass. Additional withdrawals will be devastating to our communities and our way of life. Not only will our remaining timber industry be eliminated, but ultimately our ability to hunt, fish, and otherwise recreate on our National Forest land.

Therefore, we would request that this proposed roadless plan be eliminated from further consideration, not only from this Forest but nationwide as well. We also request that an additional 120 day extension of the public comment period be granted so as to allow more time to review the environmental impact statement.

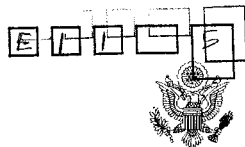
Thank you for this opportunity to comment on this proposal.

Sincerely,



Fredrick M. Shafer
Mayor Pro Tem
City of Thorne Bay

JOHN SHADEGG
4TH DISTRICT, ARIZONA
WASHINGTON, D.C. OFFICE:
430 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3391
FAX: (202) 225-3462
ARIZONA OFFICE:
301 EAST BETHANY HOME ROAD
SUITE C178
PHOENIX, AZ 85012
(602) 263-6300
FAX: (602) 248-7733
e-mail: jshadegg@mail.house.gov



Congress of the United States
House of Representatives
Washington, DC 20515-0504

May 17, 2000

Michael Dombeck, Chief
United States Forest Service
201 14th Street, SW
Washington, D.C. 20024

Dear Chief Dombeck:

On February 2, 2000, Chairman Hayes Gilstrap of the Arizona Game and Fish Commission wrote to you concerning the development of the Environmental Impact Statement (EIS) associated with the proposed rule to establish roadless areas in the National Forest System. Chairman Gilstrap specifically requested that the Arizona Game and Fish Department be invited to participate fully in the development of the EIS.

I am writing in strong support of Chairman Gilstrap's request and urge you to include the Department as a full participant in the development of the EIS. The Department is a significant source of knowledge and expertise on land use issues in Arizona and the impacts that land use decisions have on wildlife in the state. Because the extremely arid nature of our state and the large amount of Forest Service land set it apart from others, it is vitally important that state experts with first-hand knowledge be allowed to assist in crafting the EIS.

The proposed rule on roadless areas will have a major impact on the management of wildlife in Arizona by greatly increasing the difficulty of accessing many areas of the state. Such an impact will affect the ability of the Game and Fish Department to perform its responsibilities as well as the ability of sportsmen and other recreationalists to engage in their pursuits.

Inclusion of the Arizona Game and Fish Department in the preparation of the EIS will help to ensure that this process results in high quality decisions on one of the most far-reaching land use decisions affecting the state. I look forward to your prompt and positive reply to this request.

Sincerely,

John Shadegg
Member of Congress

Received in FS/CCU

Initial: *JA*

Control No: *4155907*

Rec'd CCL / Roadless
JUN 19 2000

COMMITTEE:
COMMERCE
SUBCOMMITTEES:
ENERGY AND POWER
FINANCE AND HAZARDOUS
MATERIALS
HEALTH AND ENVIRONMENT
REPUBLICAN POLICY COMMITTEE
JUNIOR CLASS REPRESENTATIVE
ASSISTANT WHIP



GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85023-4399 (602) 942-3000
www.gf.state.az.us

44003
Governor
Jane Dee Hull
Commissioners:
Chairman, William Berlat, Tucson
W. Hays Gilstrap, Phoenix
Dennis D. Maasling, Alpine
Michael M. Goughly, Flagstaff
Joe Carter, Safford
Director
Dwayne L. Shroufe
Deputy Director
Steve K. Ferrell

December 17, 1999

Mr. Mike Dombeck, Chief
USDA Forest Service-CAET
Attention: Roadless Areas NOI
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Mr. Dombeck:

The Arizona Game and Fish Department (Department) has reviewed the Forest Service's preliminary proposal, dated October 19, 1999, for protecting the "remaining roadless areas" within the National Forest System (64 FR 56306-56307). The Department is concerned about this proposal, and we would appreciate your consideration of the following comments.

The Department understands that the Forest Service is initiating the public rulemaking process for this proposal. Based on the Federal Register Notice, an Environmental Impact Statement (EIS) will be prepared to analyze the effects of: 1) eliminating road construction activities in unroaded portions of roadless areas and 2) establishing criteria and procedures to ensure that the social and ecological values are protected through the forest planning process. The alternatives to be considered in the draft EIS may include prohibiting new road construction and reconstruction projects, commercial timber harvest, and the implementation of other activities in the "roadless areas".

Preliminary estimates of the "roadless areas" within the National Forests in Arizona indicate that approximately 1.8 million acres will be effected by this proposal. We note that of this 1.8 million acres, approximately 1.3 million acres are designated Wilderness. Therefore, the need to protect forest health by prohibiting new road construction and reconstruction projects and other activities, consistent with this proposed rulemaking, on 1.3 million acres of Forest Service lands in Arizona has been accomplished through the Wilderness Act of 1964. The intent of this proposal appears to be aimed at creating additional Wilderness Areas by Executive Directive rather than by Congressional action. The Department does not support road and other land management proposals and federal land designations (e.g., Wilderness designation) that would unnecessarily impact our Mission (attached).

We recognize that some limitations and restrictions on the use of existing and new roads on the National Forests may be necessary to address impacts to important wildlife resources and overall forest health. However, we believe that these impacts should be evaluated and addressed through the forest planning process on a forest-by-forest basis.

Mr. Mike Dombeck
December 17, 1999
2

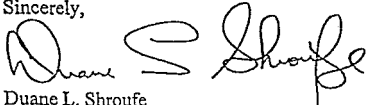
In addition, the Department and other agencies and entities must have the ability (e.g., sufficient motorized vehicular access) to take the necessary management actions to ensure the continued well-being of populations of wildlife on the National Forests. Implementation of this proposal has the potential to limit or restrict our ability to conduct necessary wildlife management activities on Forest Service lands. For these reasons, the Department does not support this proposal for protecting "roadless areas" within the National Forest System.

On December 9, 1999, the Department briefed the Arizona Game and Fish Commission (Commission) on this proposed rulemaking process. The Commission is very concerned about the proposal, which they believe has the potential to adversely impact the Department's Mission. As a result, the Commission adopted a resolution concerning roadless areas within the National Forest System. A copy of the resolution is included as an attachment to this letter. As you will see, the Commission does not support the Forest Service's proposal for protecting "roadless areas".

The Department is also concerned about the lack of detailed information in the Federal Register Notice. The Notice refers to "inventoried roadless areas", the "remaining unroaded portions of inventoried roadless areas", and "uninventoried roadless lands". Because there were no maps available for review in relation to this proposal, there is no way to specifically identify the lands being considered for special protection. The Department requests the opportunity to review detailed maps that clearly depict the lands in Arizona that will be affected by this proposal.

The Commission and Department recommend that the Forest Service manage issues related to roadless areas on a forest-by-forest basis and on the basis of local resource issues and sound science. The Department does not believe that this proposed rulemaking process will result in local collaboration and locally-developed solutions based on site-specific issues and information, which we believe are necessary for the protection and management of our Forest Service lands. Management planning on National Forests should be addressed through the forest planning process.

Sincerely,



Duane L. Shroufe
Director

DLS:jk

cc: Arizona Game and Fish Commission
Bruce Taubert, Assistant Director, Wildlife Management Division
Eleanor Towns, Regional Forester, Southwestern Region
Forest Supervisors, Arizona

Attachments

44003
ARIZONA GAME AND FISH DEPARTMENT MISSION

Our Mission

To conserve, enhance, and restore Arizona's diverse wildlife resources and habitats through aggressive protection and management programs, and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.



A RESOLUTION OF THE ARIZONA GAME AND FISH COMMISSION
CONCERNING
ROADLESS AREAS WITHIN THE NATIONAL FOREST SYSTEM

44003

WHEREAS, the U.S. Forest Service is proposing to protect the remaining roadless areas within the National Forest System by eliminating road construction and other activities in these areas, and

WHEREAS, existing Wilderness designation on the National Forests in Arizona maintain and protect large roadless areas, or areas where motorized use of existing roads is prohibited, and

WHEREAS, management of public lands should promote stability and predictability in the production of goods and services, and sustainability of resources; and such management must be flexible to adapt to changing social, economic and ecological conditions, and

WHEREAS, the Arizona Game and Fish Department, in cooperation with other agencies and entities, must have sufficient motorized vehicular access to take the necessary management actions to ensure the continued well-being of populations of wildlife on National Forests, and

WHEREAS, there is a need to maintain reasonable public access for achieving the Arizona Game and Fish Department's harvest objectives and so that the public may continue to enjoy the wildlife-related recreational opportunities available on National Forests, and

WHEREAS, the Arizona Game and Fish Commission recognizes that some limitations and restrictions on the use of existing roads and the construction of new roads on National Forests may be necessary to address impacts to important wildlife habitats, and


WHEREAS, impacts to wildlife habitat and overall forest health associated with roads on National Forests should be addressed through the forest planning process on a forest-by-forest basis; and

NOW, THEREFORE, BE IT RESOLVED that the Arizona Game and Fish Commission strongly recommends that the U.S. Forest Service manage issues related to roadless areas on a forest-by-forest basis and on the basis of local resource issues and sound science.

BE IT FURTHER RESOLVED that the Arizona Game and Fish Commission requests that the Forest Service consult with the Arizona Game and Fish Department on all issues related to roadless areas and access on National Forests on a case-by-case basis.

BE IT FURTHER RESOLVED that the Arizona Game and Fish Commission would strongly oppose road and other land management proposals and federal land designations that would unnecessarily impact the Arizona Game and Fish Department's Mission on National Forest Service lands.

DATED AND ADOPTED this 15th day of December, 1999.


William Berlat
Chairman
Arizona Game and Fish Commission

AGFC:jk



44003
THE STATE OF ARIZONA
GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85023-4399 (602) 942-3000
www.gf.state.az.us

44003
Governor
Jane Dee Hull
Commissioners:
Chairman, William Berlat, Tucson
W. Hays Gilstrap, Phoenix
Dennis D. Manning, Alpine
Michael M. Gollighly, Flagstaff
Joe Carter, Safford
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell

February 2, 2000

Mr. Mike Dombeck, Chief
USDA Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

Re: National Forest System Roadless Areas


Dear Mr. Dombeck:

The Arizona Game and Fish Commission (Commission) is concerned about the Forest Service's proposal to protect the remaining roadless areas within the National Forest System. This proposal prompted the Commission to develop and adopt a resolution concerning roadless areas on Forest Service lands. A copy of our resolution was provided to you along with the comment letter submitted by the Arizona Game and Fish Department (Department), dated December 17, 1999 (attached). The Commission respectfully requests that the Forest Service consider and address the issues and concerns identified in our resolution and the Department's comment letter during the scoping process and development of the Environmental Impact Statement (EIS) associated with the proposed rule.

The Commission would appreciate the Forest Service's recognition of the State wildlife agencies' responsibilities for fish and wildlife management on Forest Service lands during development of this proposed rule. And, in our opinion, the State wildlife agencies should be involved, as full natural resource management partners, throughout the development of the EIS.

The Commission requests direct involvement by the Department in development of the draft EIS through participation on the Forest Service's team responsible for preparing the EIS. Please contact the Department's Director, Mr. Duane L. Shroufe, at (602) 789-3279 to discuss the Department's participation on the team. Thank you.

Sincerely,


W. Hays Gilstrap, Chairman
Arizona Game and Fish Commission

WHG:jk

An Equal Opportunity Reasonable Accommodations Agency

Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials

Mr. Mike Dombeck
February 2, 2000
2

cc: Arizona Game and Fish Commission
Duane L. Shroufe, Director, Arizona Game and Fish Department
R. Max Peterson, Executive Vice-President, International Association of Fish and
Wildlife Agencies

Attachment

44003



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • WWW.AZGFD.COM

GOVERNOR
JANE DEE HULL
COMMISSIONERS
CHAIRMAN, W. HAYS GILSTRAP, PHOENIX
DENNIS D. MANNING, ALPINE
MICHAEL M. GOUGHTLY, FLAGSTAFF
JOE CARTER, SAFFORD
WILLIAM BERLAT, TUCSON
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



May 1, 2000

Mr. Mike Dombeck, Chief
U.S. Forest Service-CAET
P.O. Box 221090
Salt Lake City, Utah 84122

Re: U.S. Forest Service Proposals for National Forest System Road Management
(Federal Register, Vol. 65, No. 43, 11676-11693)

Dear Mr. Dombeck:

The Arizona Game and Fish Department (Department) has reviewed the Forest Service's Proposed Rule and Notices, dated March 3, 2000, regarding National Forest System road management and planning. The Department recognizes the importance of forest road system policy and the need to ensure that forest transportation systems meet current and future land and resource management needs. We respectfully request your recognition of the importance of forest roads to the state wildlife agencies for the successful implementation of our goals and objectives within the National Forest System.

At this time, there are several draft Forest Service road management-related proposals that are in the agency and public review process. In addition to these Federal Register Notices, dated March 3, the Forest Service continues to develop the Draft Environmental Impact Statement (DEIS) for protecting the "remaining roadless areas" within the National Forest System (64 FR 56306-56307). The Forest Service is also proposing a new Rule (October 5, 1999) to Guide Land and Resource Management Planning for the National Forest System, which addresses forest road management. The Department requests direct participation in the development of all Forest Service road management proposals to ensure that forest transportation systems in Arizona meet our current and future management needs. We continue to expect a response from the Forest Service regarding our request for direct participation on the team responsible for developing the DEIS.

Previous Department comment letters on Forest Service road management proposals, and the Arizona Game and Fish Commission (Commission) resolution regarding Forest Service road management issues, are included as an attachment to this letter. The issues and concerns contained in these letters, and the Commission's resolution, directly pertain to these Notices, dated March 3. The Department requests your review and consideration of these comments and the Commission's resolution during development of Forest Service road management policies and regulations.

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Mr. Mike Dombeck
May 1, 2000
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The development, use, maintenance, and management of roads on National Forests should be evaluated on a forest-by-forest basis. The Department will provide additional comments on all the current Forest Service road management proposals during the preliminary planning process (through our direct participation on Forest Service teams) and during the individual forest land and resource management planning processes.

If you have any questions regarding the Department's comments, or to coordinate the Department's participation on Forest Service teams in Arizona, please contact John Kennedy at (602) 789-3602. Thank you.

Sincerely,

Duane L. Shroufe
Director

DLS:JFK:jk

cc: Arizona Game and Fish Commission
Bruce Taubert, Assistant Director, Wildlife Management Division
R. Max Peterson, International Association of Fish and Wildlife Agencies
Eleanor Towns, Regional Forester, Southwestern Region, Forest Service

Attachment



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

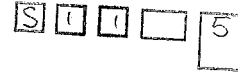
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DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



July 14, 2000

Mr. Mike Dombeck, Chief
U.S. Forest Service
Washington Office
201 14th & Independence, SW
P.O. Box 96090
Washington, D.C. 20090-6090



CAET RECEIVED
JUL 17 2000

Re: Forest Service Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement

Dear Mr. Dombeck:

The Arizona Game and Fish Department (Department) has reviewed the Proposed Rule and Draft Environmental Impact Statement (DEIS) for the U.S. Forest Service (USFS) Roadless Area Conservation proposal. The Department provided preliminary comments to the USFS regarding this proposal and general USFS road management-related issues in letters dated December 17, 1999 and May 1, 2000. In addition, the Arizona Game and Fish Commission (Commission) provided comments on this proposal to the USFS in a letter dated February 2, 2000. The Commission's correspondence included their resolution, dated December 15, 1999, concerning USFS roadless areas. Previous correspondence provided by the Department and Commission is included as attachments to this letter. We would appreciate your consideration of our previous input, and the following comments, during preparation of the final Rule.

We understand that the USFS Proposed Action and Preferred Alternative involves:

Prohibition Alternative 2 – Prohibit road construction and reconstruction within unroaded portions of inventoried roadless areas; and

Procedural Alternative B – Forest planning process implemented at the next forest plan revision.

As proposed, road construction and reconstruction activities, including temporary road construction, would be prohibited in the unroaded portions of inventoried roadless areas. These prohibitions would become effective upon implementation of the final Rule. Local managers would then evaluate whether and how to protect roadless characteristics through forest plan revisions. We understand that existing roads and trails within USFS inventoried roadless areas and other unroaded areas will not be closed because of this Rule.

Mr. Mike Dombeck
July 14, 2000
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The Department recognizes that some limitations and restrictions on the use of existing roads, road construction and reconstruction on USFS lands may be necessary to address impacts to wildlife resources and overall forest health. However, we believe that these impacts should be evaluated and addressed through the forest planning process on a forest-by-forest basis. In addition, the Department must have the ability to take the necessary management actions to ensure the continued well-being of populations of wildlife on USFS lands, including inventoried roadless areas and other unroaded areas. It's also very important to the Department that the USFS recognize the state wildlife agencies' role in resource management planning efforts and decision-making on USFS lands.

Based on our review of the DEIS, additional work on this Proposed Rule is necessary to clarify the following important issues: the scope of local evaluations of road and access-related issues through the forest planning process (i.e., clearly define the guidelines placed on the forest planning process because of this Rule); potential restrictions/limitations on the state wildlife agencies' ability to conduct necessary wildlife management; and recognition of the state's role in local resource management planning and decision-making associated with the management of USFS roadless areas.

Preferred Procedural Alternative B focuses on the evaluation and development of necessary management actions in USFS roadless areas through the forest planning process (i.e., develop management actions on a forest-by-forest basis during forest plan revisions). This procedural alternative outlines how managers should address roadless characteristics in the future as they develop necessary projects or revise land and resource management plans. To ensure appropriate federal-state agency cooperation and wildlife management on USFS lands, the Department requests specific reference to the jurisdiction of the state wildlife agencies and recognition of the states as full natural resource management partners in the management of USFS lands and resources. Also, in the context of multiple use management, the Department requests specific reference to game management and wildlife-related recreation as specific issues to be addressed during the development of projects and land and resource management planning efforts associated with USFS roadless areas.

The Department acknowledges and appreciates that the Proposed Action appears to adequately address the potential need for road realignment within USFS roadless areas. We understand that road realignment needed to prevent irreparable resource damage caused by a road that has been determined to be essential for access and management will be allowed.

However, the Department continues to be concerned about national direction that prohibits road construction and reconstruction in USFS roadless areas, consistent with the Proposed Prohibition Alternative 2. This part of the Proposed Action has the potential to limit or restrict the flexibility necessary for local managers to make sound decisions, based on local resource issues, through the forest planning process. Proposed Prohibition Alternative 2 also has the potential to restrict our ability to conduct necessary wildlife management activities on USFS lands.

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In addition, Prohibition Alternative 2 appears to conflict with the Proposed Procedural Alternative B, as Alternative 2 will result in immediate prohibitions, based on USFS review of roadless areas in 1972 and RARE II evaluations, prior to forest land and resource management planning specific to the management of roadless areas.

Summary

Consistent with the Department's position throughout the development of this Proposed Rule, future proposals for road construction and reconstruction (or removal) within inventoried roadless areas and other unroaded areas should take place on a forest-by-forest basis through the forest planning process. The USFS Proposed Procedural Alternative B, which establishes direction for local managers to consider roadless area characteristics and develop specific management actions for roadless areas during the forest land and resource management planning process, appears to address one of the Department's primary concerns associated with this Proposed Rule. However, the relationship between the Proposed Prohibition Alternative and the Proposed Procedural Alternative is confusing and requires clarification in the Proposed Rule and DEIS.

The following components of the Proposed Action are very important to the Department and address some of the concerns expressed in our previous correspondence:

- Existing roads and trails within USFS roadless areas will not be closed.
- Management (e.g., realignment) of roads that are essential for access and management will not be prohibited.
- The Proposed Procedural Alternative B focuses on road/access-related management planning and decision-making through the forest land and resource management planning process.

However, the Proposed Rule and DEIS do not adequately explain the process by which these important considerations (1 through 3 above) will be maintained, implemented or incorporated into forest plans after prohibiting road construction and reconstruction activities in the roadless areas upon completion of the final Rule (Prohibition Alternative 2). Again, the Proposed Prohibition Alternative 2 appears to conflict with the Proposed Procedural Alternative B in this regard, and the Department believes that forest land and resource management planning should take place prior to national prohibitions involving access, road construction and reconstruction activities within USFS roadless areas.

The Department requests specific reference to the following issues throughout the Proposed Rule and DEIS:

- The state wildlife agencies' jurisdictional role in forest land and resource management planning that involves fish and wildlife resources, including the harvest of those resources (i.e., the state wildlife agencies' mission), on USFS lands, including roadless areas.

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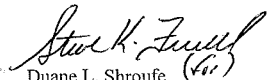
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Mr. Mike Dombeck
July 14, 2000
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- Recognition of the state wildlife agencies as full natural resource management partners in forest planning efforts and local decision-making.
- Coordination with the state wildlife agencies to determine which roads are "essential" for access and management.
- Identification of wildlife management as a critical activity to be maintained within USFS roadless areas and considered during evaluations to determine whether certain activities or characteristics should be protected within these areas.
- Assurances that the state wildlife agencies' ability to manage fish and wildlife populations will not be restricted by this proposal (i.e., nothing in the Rule will diminish the state's jurisdiction and ability to conduct necessary wildlife management activities within USFS roadless areas).

Please contact John Kennedy at (602) 789-3602 if there are any questions regarding the Department's comments. We would appreciate the opportunity to review the Proposed Rule and DEIS prior to issuance of the final Rule.

Sincerely,


Duane L. Shroufe
Director

DLS:JK:jkk

cc: Arizona Game and Fish Commission
Bruce Taubert, Assistant Director, Wildlife Management Division, AGFD
John Kennedy, Habitat Branch, AGFD
Roadless Area Project Director, U.S. Forest Service, Salt Lake City, Utah
Eleanor Towns, Regional Forester, Southwestern Region, Forest Service

Attachments

WMHB #5-10-00(01)

roadlessdeis@fs.fed.us

RE: Comment on Proposed Rule and DEIS on Proposed Rule for Roadless Area Conservation

CAET RECEIVED
JUL 06 2000

Dear Sirs and Madams,

These comments are being submitted by the Arizona Counties, Apache, Cochise, Gila, Graham, Greenlee and Navajo and the New Mexico Counties, Catron, Chaves, Eddy, Harding, Hidalgo, Lincoln, Luna, Otero, Rio Arriba, Sierra, and Socorro along with representation from the timber, farming, livestock, mining, small business, sportsman and outfitter industries as members of the Coalition of Arizona/ New Mexico Counties (Coalition). Our representation currently exceeds 592,923 in combined county populations.

Introduction

The statement that "Areas without roads have inherent values....." is only true from the perspective of subjective human judgment. Other animals create and maintain trails (roads by definition) by their movements. They do so just by their travels to maintain life. Therefore, even in the deepest recesses of the remote wilderness areas there are roads. So there is no such thing as areas without roads. The definition of inherent is "involved in the constitution or essential character of something;" intrinsic "belonging to the essential nature or constitution of a thing." The definition of value as used above is, "relative worth, utility or importance." By definition, Forest Service personnel and others are claiming that areas without roads are important to them. The phrase "inherent value" sounds important but has little meaning outside of human emotion when applied to areas with or without roads. There are hundreds of millions of acres without roads in the United States. So much so that a person could not possibly visit even a small percentage in a long life. Given this situation, even a person attempting such an accomplishment would be required to use roads unless they flew. Of course flying would require having someplace to land and take off from.

The above demonstrates that the Forest Service and other proponents must have some other motive and agenda than what they have written in the proposed rules. Unless and until the Forest Service discloses what is the end product of the proposed rule and the ultimate agenda, no meaningful comment by the public can be expected. Since this action is but a piece of that larger puzzle, the Forest Service should withdraw the proposed rule, disclose the overall plan, propose a rule to achieve that plan and then solicit public comment.

There is no established science to substantiate the need to have "bulwarks against the spread of invasive species" or the benefit of "native species" over non-natives. These are human value laden opinions that are being forced on other humans who have their own opinions that are just as valid. The Congress has

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legislated management direction for the National Forests. It is the duty of the Forest Service to carry out that mission and mandate, not to seek out loopholes and interpretations that allow implementation of policies and rules outside the intent of Congress no matter how much nobility is assigned the end product.

The Coalition disagrees with the Forest Service claim that the DEIS describes the potential environmental impacts that could occur as a result of implementing the proposed rule or other alternatives other than the no action alternative.

The Forest Service states in the proposal that there are "other unroaded areas" that contain roadless characteristics similar to inventoried roadless areas, but are most often less than 5,000 acres in size and were therefore not inventoried during RARE II. They were not inventoried because they were not authorized to be inventoried by the Congress. Upon completion of RARE II, the National Forests initiated management actions to protect those areas identified until such time as Congress saw fit to designate or not designate them as wilderness. All other lands were then released to multiple-uses regardless of size or road condition. Some of these lands were identified in the forest plans as being suitable for timber harvest.

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The Coalition does not dispute that a very small minority of the public has made a living off of creating costly, lengthy appeals and litigation on virtually every attempt to enter these areas. Great expenditures have been made to locate and promote surrogate species protections to further monkey wrench otherwise legal and legitimate harvesting of timber. This added fiscal burden manufactured the now touted "below cost timber sale program."

The Forest Service has manufactured the \$8.4 billion backlog in maintenance and reconstruction along with the claim of 386,000 miles of roads. The Forest Service does not even have a clue as to what roads they even have formal jurisdiction over let alone how many miles of roads exist.

Many people may question the wisdom of building new roads in sensitive areas when there is an inability to maintain existing roads. Many people like their coffee black, but what has either got to do with the proposed rule? The only purpose of inclusion of such nonsense is to put a positive spin on an ill conceived policy change. Not only is this deception but is contrary to the NEPA regulations that state that the essential elements for implementing NEPA are; "Accurate scientific analysis, expert agency comments, and public scrutiny." (40CFR, 1501.1(b)) In addition, "Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail." (40CFR, 1501.1(b)).

As stated above, the Forest Service has not provided any science that any reasonable person could use to conclude that road or roadless areas are detrimental or beneficial to watershed and ecosystem health. Ecosystem itself has not been defined in scientifically acceptable terms let alone what ecosystem health means. Further, controversy surrounding the management of roadless areas doesn't create a mandate or need to settle the issue by determining that the opponents of activities in roadless areas are correct.

This leads to the first purpose, "to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas." By setting this as a purpose, any alternative that falls short of this unscientifically tested objective can not be adopted. Therefore, the decision has been predetermined in the purpose.

The second purpose then substantiates the above assertion by stating that ecological and social characteristics of inventoried roadless and other unroaded areas need to be identified and considered through local forest planning efforts. This sets up the scenario of: first, foreclosing any activities in inventoried roadless areas; and second, then do the science to determine the ecological and social characteristics under local forest planning. Since local forest planning regulations under NFMA have yet to be adopted by this administration, there is no way at this point the decision maker or the public can determine how this rule will impact the physical, biological, economic or social environments. This proposed rule should be withdrawn until all relevant factors are present and disclosed.

The third purpose is something that should be considered at

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the forest planning level. Just because this forest has become the poster child of the propaganda machines is no reason to remove it to a special consideration outside the process. There is no statutory authority from Congress to elevate any individual forest planning to the national level.

The stated purposes defeat the NEPA mandate because they create a predetermined outcome, are lacking in full disclosure because critical elements are not included in the DEIS, and exceed the Forest Services statutory authority to manage the National Forests. The proposed rule should be withdrawn.

The DEIS has not properly established a baseline of analysis. The no action alternative is based on "Harvest volume in FY's 1996 to 1999..." This artificially manufactured baseline makes the assumption that the reduction of harvesting from the national forests from the 1984 to 1988 or any other previous harvesting has been legitimate for the purpose of sustainability as mandated by statute.

The baseline has been manufactured by endless appeals, confrontation and litigation based on procedural violations of the Forest Service. The answer to the problems of the Forest Service failure to properly plan and execute timber harvesting is not termination of harvesting. The analysis baseline should be harvestable timber determined through sustained yield analysis. From that baseline cumulative impacts due to species and other resource considerations could then be disclosed and give the decision maker and the public a much clearer and true picture of what has been and would be impacted if the proposed rule was adopted.

The DEIS also fails to consider the impact on timber harvesting and other multiple use and subsequent impacts on State and Local Government revenues and economies through restricting reasonable access to areas retained as suitable for timber harvest. Many of the non inventoried "unroaded" areas affected by this rule making are located on lands previously designated suitable for timber harvest or other multiple use or because of their geography provide the best routes to those areas.

Specific Comments

Standard Exceptions to the Prohibitions

Even if the Coalition recognized a need to adopt the proposed rule, the exceptions leave out the Congressional mandate to protect the forest resources. If the proposed rule is adopted over our objections an exception for purpose of forest resource protections must be included. It should state, "A road is needed for management actions designed to protect the forest resources from catastrophic fire, disease or insect infestation or to restore those resources following a catastrophic event."

Initial problems and deficiencies with the proposed roadless area initiative and rule:

1. Only the duly elected Congress was vested with the power to make rules and regulations respecting property belonging to the United States.
2. There is no specific definition of "roadless" contained in the proposed rule or Draft Environmental Impact Statement (EIS). The Draft EIS does, however, mention road "reconstruction" which indicates that there are existing roads within in the "roadless" areas under consideration.
3. The Environmental Impact Statement does not and cannot adequately address the adverse social, economic, and political impacts that the withdrawal of the 54 million - plus - acres would cause.
4. The property under consideration is under concurrent jurisdiction. The proposed rule will cause a centralization of power even though matters of Tribal, State and local authority are directly involved and impacted.
5. The proposed rule will not resolve the existing management problems for the individual forests, including but not limited to, the \$8.4 billion backlog in deferred maintenance and reconstruction on the more than 386,000 miles of classified roads in the NFS transportation system. (EIS - Chapter 1, pg. 1-3)
6. The proposed rule was separated from, yet directly related to other proposed rules, all of which were instituted at about the same time, thereby impairing the ability and probability that anyone could properly review and comment on all of them within the time allowed. (EIS - Chapter 1 - pg. 1-14)
7. The Draft EIS fails to provide a proper and adequate inventory and analysis under the Federal Land Policy & Management Act of 1976, Section 204(c)(2), leaving both the proposed rule and those making comments on it without adequate information.

8. The proposed rule and Draft EIS does not mention and disclose the international commitments of the USDA-Forest Service and how they will effect the agency actions and affect the political, social, and economic interests of other parties.

DEFINITIONS

The following definitions will apply, unless they are specifically defined or are otherwise reasonably presumed from the text.

Conservation

The managed use of lands and resources under principles of multiple use.

Multiple-Use

"It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purpose of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C, 476). Nothing herein shall be so construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to effect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within the national forest." (Multiple Use And Sustained Yield Act of 1960, Public Law 86-517, 74 Stat. 215)

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Protection:

The withdrawal or restricted use of, or access to lands and/or the resources located thereon.

Sustainable Development:

The marriage of the de facto international economic system and development to all the resources and the processes of nature, whereby "development meets the needs of the present without compromising the ability of future generations to meet their own needs." (Our Common Future - Brundtland Report United Nations World Commission On Environment And Development (1987); see also USDA - Secretary's Memorandum 9500-6, Sustainable Development, September 13, 1996)

Wilderness:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprints of mans works substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." (Wilderness Act of 2964 Public Law 88-577, 79 Stat. 890)

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ALTERNATIVE I

No Action; No Prohibition.

ALTERNATIVE I is the only reasonable choice.

1. The 54 million acres of roadless areas under consideration were originally assessed under Rare I and Rare II Wilderness studies and inventories. The roadless areas under consideration were not designated as wilderness by Congress. The proposed rule and other Alternatives circumvent the powers delegated and reserved to Congress in an attempt to withdraw them from multiple-use and in effect create "de facto" wilderness areas. Alternative I would avoid this obvious error and usurpation.

2. The undefined "roadless" areas under consideration were previously deemed to be more useful for other multiple-use purposes at the time of the Rare I and Rare II wilderness inventories. These multiple-use preferences still exist. Management prescriptions for these areas are already developed at a local level where the needs, interests, and reserved powers of the State, local governments, communities, and people can be

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addressed. The proposed rule and the other Alternatives will cause further conflicts, abrogations, takings, and usurpations.

Alternative I would avoid many conflicts, abrogations, takings, and usurpations, and further, would probably cost less administratively and be less conducive to expensive and time consuming litigation.

3. The proposed rule, in most instances, would usurp the powers of the Department of Interior pertaining to withdrawal of minerals. The instances where Congress delegated the authority to USDA- Forest Service to withdraw mineral entry, exploration, and development are few

Alternative I would avoid the usurpation of authority and takings.

4. The proposed rule and other Alternatives will not resolve the administrative problems associated with these undefined roadless areas. Numerous problems exist for land management planning when considering roadless areas. Several are hereinafter presented more specifically. There are few management prescriptions in the planning process which raise more concern at the local level. These continual conflicts over use or restricted use are now addressed during the forest planning and public input process.

Alternative I would leave the land and resources in a manageable status quo condition; to be dealt with on a local level where the impacts from land and resource manipulation are more significantly felt.

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5. The proposed rule and other Alternatives will not resolve the financial problems associated with these undefined roadless areas. Management of roadless areas can be expensive when considering access impairments. Costs include the personnel and time that it takes to clean out wildfire fuel wood, fight forest fires, apply treatment for insect infestation, address matters concerning invasive species and tree thinning, not to mention State management of fish, game and water quantity and quality, and local emergency services. All these and more constitute an economic impact on all interested parties, and when considered with the limited fiscal allocations and the inflation factors caused by the "de facto" economic system, clearly impairs the ability of the agencies to meet their extensive obligations.

Alternative I will not cure many of the financial problems, however, it would leave these properties and resources to local needs and management and within the bounds of the financial allocations and resources of the area.

6. The proposed rule and other Alternatives will not resolve the fire prevention problems associated with these undefined roadless areas. There is a known and recognized fuel wood and catastrophic fire danger that exists in the forests.

Restricting access, if needed, or decommissioning roads would impair fire prevention and management practices. Fuel wood removal and tree thinning by agencies and the people are enhanced by these road systems. Recent wildfires in Los Alamos, New Mexico, have destroyed homes and businesses, caused mass evacuations, and disrupted communities and services. Other fires have burned thousands and thousands of acres of usable resources and have threatened wildlife and water quality. Roads allow rapid and more effective deployment of fire fighting equipment and personnel. No general plan can be devised which would take into account or provide for the management needs of such widely dispersed lands and resources, nor compensate for their mismanagement.

Alternative I leaves the 54 million acres to the local management authorities and interests who have the best practical knowledge about the areas under consideration and the resources and conditions that exist in those areas.

7. The proposed rule and other Alternatives will not resolve the insect infestations and biological diseases associated with these undefined roadless areas.

Areas all over the United States are experiencing the effects of insect infestation. Some of these insects and biological organisms are causing the destruction of usable timber and other plants which are necessary to forest and wildlife health, and to the health and economic stability of the local people and communities. The roadless areas are equally susceptible to these infestations and diseases as the surrounding areas. The susceptible plants are of the same species wherever they might be located. Some insect pests fly and/or crawl; certain biological organisms are even air borne and are transported on the wind. It is not rational to believe that these roadless areas will provide any significant barrier against many of these insects and diseases. In fact, the areas might

provide a significant breeding and staging ground when preventative and corrective management measures are impaired. Alternative I leaves the 54 million acres to local management prescriptions and needs, and allows for variations in the management scheme should the circumstances arise.

8. The proposed rule and other Alternatives will not resolve the invasive species problems associated with these undefined roadless areas. Invasive species have many modes of transportation. Animals, birds and even the wind may carry the seeds of plants and other biological organisms to new locations. Roadless areas will not stop the natural movement of these species. The usefulness of roadless areas as a barrier against invasive species is unpersuasive. Preventative and corrective management of invasive species in these areas, however, might be impaired by the proposed rule.

Alternative I leaves the 54 million acres to local management prescriptions and needs, and allows for variations in the management scheme should the circumstances arise.

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9. The proposed rule and other Alternatives will not resolve the water management problems associated with these undefined roadless areas. In the first instant, water is under the primary jurisdiction of the State. The roadless area rule could impair and even abrogate the States' ability to manage its waters. For example, if a wildfire occurred, the denuded land could cause significant impacts upon the quality of the water. Of no less importance, the failure to maintain the appropriate amount of trees and undergrowth in these roadless areas can cause a significant reduction in the quantity of water.

Alternative I leaves the 54 million acres to local management prescriptions and needs, and allows for variations in the management scheme should the circumstances arise.

10. The proposed rule and other Alternatives will not resolve the Total Daily Maximum Load (TMDL) associated with water and these undefined roadless areas. Water is under the primary jurisdiction of the State. Roads are commonly blamed for the siltation of rivers and streams. If the roads are properly constructed and maintained the impact should be minimal. This brings in another proposed rule concerning decommissioning roads. The USDA - Forest Service claims that it has about an \$8.4 billion backlog on road maintenance. (EIS, pg. 1-3) The Forest Service customarily contracts road maintenance out to the State or to the County. The agency does not do the road maintenance itself. Many of the roads in forest areas provide access and easement for State and local services and responsibilities. Some provide access to inholdings, and some to mineral claims. Many such roads are under State jurisdiction, or are otherwise ways of necessity

The purported lack of funds is also aggravated by the vast sums spent in foreign countries under the International Forestry Programs, and in setting up and implementing such programs as the UNEP's "Systematics Agenda 2000." (Global Biodiversity Assessment, UNEP, pg. 10) These types of preferences and expenditures are a significant part of the agency's fiscal and management problem, and in particular, the international programs and projects. This administration finds vast quantities to spend in foreign countries but cannot meet its domestic obligations. When these choices and actions are combined with inflation and the depreciated purchasing value of the existing paper and credit systems, it creates an absurdity which is destined to failure. The proposed rule(s) will not resolve these continuing management problems.

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The TMDL specifications are necessarily based upon the historic and actual conditions of the individual stream or river. Many natural components can cause a rise in siltation, salts, minerals, or other pollutants in these rivers and streams. The roadless area proposal will not resolve these changing conditions, however, the proposal may impair the ability of the respective authorities to address the problems that might arise and those which are feasibly correctable. The decommissioning of roads and their reclamation are always local in the nature and should always be left to local management decisions.

Alternative I leaves the 54 million acres to local management prescriptions, the specific needs of the local area, and the fiscal allocations available.
11. It is commonly asserted that roads cause fragmentation of wildlife habitat. (EIS - Chapter 1 - pg. 1-1; see also Wildlands Project, Reed Noss, pg. 17) There is no conclusive evidence that roads cause animal habitat fragmentation. (Global Biodiversity Assessment, UNEP, pg. 775 - 776) Expensive measures have been taken in such States as North Carolina to provide underpasses for wildlife. It was found that the wildlife crossed the roads wherever they chose, and that the animals rarely used these expensive underpasses. Contrary to the premise of those promoting and implementing the international programs and regional Wildlands Project, roadside habitats are usually the first areas to thaw in the spring and provide early food and necessities for certain types of wildlife. Animals are not only seen crossing the roads, but are commonly seen walking down them. The "fragmentation" theory does not stand up to clearly observable facts. Likewise, roads and reconstruction of roads might be needed for fish and game management. Fish and game management is under the primary jurisdiction of the State, and its claims cannot be prejudiced by any statute, rule, regulation, or agency action. (Constitution for the U.S.A., Article IV, Section 3) These and other considerations (total value) are inadequately addressed in the proposed rule and Draft EIS. Once again, existing local (specific) knowledge and management is one of the key elements to proper management, while Hollywood illusions, centralization, and generalized mismanagement are the problem.

12. The proposed rule and other alternatives will not resolve the financial problems associated with these undefined roadless areas. The existing financial conditions are deeply rooted in the "de facto transitions" which took place over the last century. The existence and continuation of the financial crisis will not be resolved by the proposed rule. The Draft EIS wholly fails to address the absurdities, usurpations, and effects of these economic transitions, and in effect, only offers a superficial band aid for a deeply infected wound. The Government Accounting Office (GAO) has recently audited the USDA - Forest Service and found the agency and personnel to be incompetent to meet these obligations alone. If the past records are any indication, the undefined roadless areas will be more expensive to manage as time goes on. This can be aggravated by other conditions that might arise. Droughts, fires, insects and biological infestations, water management, search and rescue, are but a few of the potential costs involved in roadless area management. These, when combined with the continuing international fiscal crisis, leaves everyone in want of stability and sustainability. Those who believe that they can use absurdities to reach the impossible are destined for failure. The impairment of management options at any time can have devastating impacts on the environment, on local communities, and those that live around or visit the areas.
Alternative I leaves the property subject to local knowledge, input and control, and with the broadest range of options for stability and sustainability.
13. The proposed rule will cause a reduction in revenue to the State and Counties where the undefined roadless areas are located. The proposed rule will cause a significant reduction in the availability of marketable timber and other resources. This in turn will have a significant impact upon local industry and economy, and upon the revenues that are returned to the State and County from the USDA - Forest Service. The proposed plan and EIS do not adequately address: (1) the loss of jobs; (2) the adverse effects on the local resource reliant industries; (3) the adverse impacts on the support industries such as suppliers; (4) the adverse impacts on those who rely on the output of these resource reliant industries, and (5) the loss of revenue to the State and county.

Alternative I leaves the property in multiple-use management, and to the specific needs of the area where it is located.
14. The proposed rule and other alternatives would restrict recreational uses to those akin to wilderness designations. This could impair access to and enjoyment of the National Trail System created under Public Law 90-543. Likewise, the proposed roadless area rule and the other protective Alternatives will adversely affect those with physical disabilities who necessarily depend on roads for reasonable access. The impact on these people is inadequately addressed by the proposed rule and EIS.
15. The proposed rule and other alternatives constitute a "withdrawal" under the Federal Land Policy & Management Act of 1976 (FLPMA), Section 204. A complete Section 204(c)(2) report

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will be required of USDA - Forest Service. The Draft EIS is wholly inadequate under the mandates of FLPMA Section 204(c)(2). Among other things, the Draft EIS fails to provide a complete inventory and evaluation [204(c)(2)(2)1; the identification of present users and how they will be effected [204(c)(2)(3)3; an economic analysis [204(c)(2)(4)1; the consultations with other interested parties [204(c)(2)(7)1; a clear statement of the effects on State and local governments and on the local economy [204(c)(2)(8)3; and a report by a qualified mineral expert as to the general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, and present and potential market demands. Likewise, this same insufficiency leaves any comment in want of substantive information.

Alternative I leaves the 54 million acres of undefined roadless areas in their status quo condition, and reduces the phenomenal expenditure of time and financial resources needed to complete and file the FLPMA 204(C)(2) report within the time period required by law.

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16. The proposed rule and the companion actions are a small portion of the agency's endeavor to meet its international commitments to implement and enforce several Treaties and international agreements, including but not limited to, the Convention on Trade In Endangered Species (CITES), the Convention on Biological Diversity (CBD), and its implementing plan "Agenda 21." (USDA-Forest Service Long Term Strategic Plan) The agency is covertly implementing the international agreements, plans, programs and projects in order to achieve the United Nations policies and definitions of "sustainable development." These commitments and efforts in resource manipulation and social engineering are not disclosed in the proposed rule or EIS. The proposed rule and EIS does not disclose the intent of agency personnel and its international partners to override the powers vested in the duly elected Congress and the powers specifically reserved to the several States and to the people.

The International Union For The Conservation Of Nature And Natural Resources (IUCN), a foreign international organization, drafted both the Convention on Biological Diversity and Agenda 21 at the direction of the United Nations Environmental Program (UNEP), and further, is directly involved in the listings of threatened and endangered species (Red Book). USDA-Forest Service is a member in the IUCN and is listed as IUCN member "GA/375." The IUCN has its own Statutes and Regulations; it has its own sovereign Congress, and passes its own Resolutions and Recommendations, which in turn are implemented by the member agencies and non-governmental organizations (NGOs). As a member in this foreign international organization, and having jointly entered into other partnership contracts and several Memorandum of Understandings (MOUs) with other international organizations, the USDA - Forest Service has overriding obligations which are not disclosed in the stated purposes for the proposed rule, and are not accounted for in the Draft EIS. The systematic scheme, among other things, is known to: (1) cause forced displacement of populations (Brady Plan); (2) be monopsonistic; (3) create monopoly enterprises; (4) cause significant social, economic, and political harm; and (5) cause the cultural extinction of indigenous peoples and the loss of specific knowledge. This continued nondisclosure and intentional deception by the agency violates the duly ordained and established Constitution, the principles of the Law of Nations, creates an aristocracy and de facto government, violates the Federal Advisory Committees Act, violates the Code of Ethics for Government Service, and several other provisions of existing domestic law. Although none of the Alternatives will cure this substantive defect and the adverse impacts of the undisclosed systematic international scheme, Alternative I leaves the property and resources under the concurrent jurisdiction of domestic authority. The agency's international commitments, implementing actions, and proposed rules have been and are objected to.

ALTERNATIVE II
Prohibit Road Construction and Reconstruction Within Unroaded
Portions of Inventoried Roadless Areas.

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(USDA - Forest Service Proposed Action and Preferred Alternative)

The undersigned reiterate and incorporate herein all the comments and objections set forth above.

Alternative II does not allow for the needs and interests of all parties, nor is it conducive to proper management of the resources located in, on and under the undefined roadless areas. It is asserted in the Draft EIS that these undefined "roadless areas" provide significant opportunities for dispersed recreation, are a source of public drinking water, and provide large undisturbed areas where privacy and seclusion can be found

In the first instant, the proposed rule and preferred alternative will not disperse recreation. To the contrary, it will restrict much of the recreational purposes in the areas under consideration and will divert and concentrate recreation in other areas. The preferred alternative will not provide adequate assurances for the quantity or quality of public drinking water and will impair the ability of the State and local interests to manage this essential resource. The proposed rule and this preferred Alternative will create "de facto" wilderness areas out of 54 million acres or more. Congress has not authorized a Rare III study nor the creation of "de facto" wilderness through any agency actions. Congress, in the exercise of its Constitutional powers, reserved wilderness designations to itself

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In the second instant, "reconstruction" of roads indicates that the areas under consideration are not "roadless." This double speak amounts to deception. In the second instant, roads allow for many management needs including, but not limited to, those under the primary jurisdiction of the State. Among other interests, roads provide necessary management access for fire control, search and rescue, other emergency services, management of fish and game, logging and thinning of timber, fuel wood control, grazing, and water quantity and quality management. There is no provision of law, rule or regulation that can be so construed as to prejudice the authority and claims of the State

In the third instant, roads may need to be changed, altered or repaired. This is particularly true in mountainous areas where landslides, washouts, or other environmental conditions may dictate the construction or reconstruction of roads. No general plan can provide for several of these unforeseen and unpredictable occurrences. The multiple interests in, and multiple-use of the areas under consideration would not be served by the USDA-Forest Service's preferred Alternative II. Proper and needed management of the lands and resources would not be served by Alternative II, and might facilitate impairment and damage to the lands and resources in and adjacent to these vast and diverse areas.

In the fourth instant, the restriction of access might impair the abilities and rights of other interested parties. Tribal rights, mineral claims, private property inholdings, handicapped access, etc., would probably be withdrawn or impaired under this preferred Alternative. In some cases this Alternative would cause a "taking", and in others instances would cause contention and possible litigation. These interests and impacts are not adequately considered in the proposed rule and Draft EIS.

Alternative II does not provide for the adequate and proper management of the vast and diverse areas and resources under consideration, and does not secure or provide adequate assurances for rights, liberties, powers and interests of others. Alternative II, USDA-Forest Service's preferred alternative, is improper, adverse to other interests and components, could cause or facilitate significant impacts and catastrophic damage, and is unacceptable and objected to.

**ALTERNATIVE III
Prohibit Road Construction, Reconstruction, and Timber Harvest
Except for Stewardship Purposes within Unroaded Portions of
Inventoried Roadless Areas.**

The undersigned reiterate and incorporate herein all the comments and objections set forth above.

Alternative III limits the use of the undefined roadless areas to "stewardship purposes." The stated objectives are as follows:

1. Restore an area to historic ecological conditions

This objective is vague and ambiguous. Historic ecological conditions indicates an undefined time in the past. Is it pre-1792, 1 B.C., 5000 B.C., 100,000 B.C.? It is well known that ecological conditions are dynamic, i.e., constantly changing. Any attempt to restore 54 million acres to historical conditions will not only be overly expensive but considering time spans and other natural conditions such as droughts, fire, wind, floods, disease and insect infestations could cause significant alterations in the ecological conditions at any point in time. It looks, smells and sounds like "The Wildlands Project" and the IUCN's "Protected Areas Program."

2. Improve the vigor of residual trees to withstand insects, disease, and wind.

The effort to improve the condition of trees on 54 million acres so that they might withstand insects and disease would probably take roads. It is well recognized that USDA-Forest Service personnel are accustomed to riding around in the company trucks all day or else staying in the office and devising Hollywood schemes. USDA-Forest personnel are not noted for spending any significant amount of time in roadless areas and in particular, spending the time and resources needed to control insect infestations and plant diseases. The USDA-Forest Service does not control the wind, nor the root structure of the trees so as to be able to improve the ability of the trees to withstand the wind.

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Management, whether preemptory or after the fact, will take personnel, economic resources, and reasonable access to address changing conditions. The proposed roadless area rule will not address these management problems. Alternative III will, to the contrary, create significant problems in management and could cause significant damage to the environment.

3. Reduce excessive forest fuels through thinning.

In the first instant, thinning of forests is a management practice that has been going on for centuries. The USDA-Forest Service has allowed or has otherwise created a catastrophic fire danger in our forests. It is not doubted that thinning helps to control forest fuel wood, however, fuel wood is a continual consequence of plants living, growing, and dying. Thinning the forests also helps to keep them in perpetual successional growth stages. The proposed roadless area rule and Alternative III will impair the ability of people to thin trees, remove fuel woods, and to properly manage these forests.

4. Restoring ecological features and processes such as fire into an ecosystem.

This objective is also vague and ambiguous. What ecological features are being considered on the 54 million acres? Wild fires are virtually rampant on public lands and have threatened and damaged private property. Recent controlled burns have destroyed thousands of acres of usable timber, burnt homes and businesses, and have caused the displacement of whole communities. The costs and impacts of fires on resources, including wildlife, water, timber, livestock, etc., have not been properly considered in Alternative III. How the withdrawal of 54 million acres will assist in restoration of ecological features such as fire is not only vague, it is unimaginable and could very well lead to further catastrophic circumstances.

5. Creating desired wildlife habitat.

Once again, wildlife is a matter under the primary jurisdiction of the State. (Public Law 94-579, Sections 302(b) and 701(g)(2)) The specific habitat needs of wildlife are extremely varied. Successional forests are needed for wildlife viability and health. How the withdrawal of roads and timber removal will assist in creating habitat is at best vague and unclear. The assumption that roads cause fragmentation is unsupported by scientific evidence and is contrary to observable facts. In many cases roads are necessary for wildlife management. The proposed roadless area rule and Alternative III will impair and prejudice the ability of the State to manage fish and game, and for all intents and purposes, will not "create...wildlife habitat."

Another question arises from this objective. Whose "desires" are being appeased? Is it that segment of society that watches Grizzly Adams on television and believes that you can live in a dirt floor cabin with a Grizzly bear, your shirt is always pressed, your hair is never out of place, and you can fall in the river and come out dry? Is it the people and organizations promoting and implementing The Wildlands Project whose stated objectives are wholly adverse to the Law of Nations and the

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fundamental principles upon which societies of men are built? "Desire", in this case, has questionable meaning and leaves the door open to the whim, fancy and delusions of anyone

The implementation of Alternative III would probably: (1) violate the public policy of Congress; (2) violate existing domestic law; (3) impair, abrogate, or otherwise prejudice the responsibility of the State to manage water resources, wildlife, fish and game, and to provide emergency services; (4) impair access to lands and to the use and enjoyment of valuable resources; (5) impair or withdraw multiple use and proper conservation management of public lands and resources; and (6) create de facto wilderness areas. Alternative III is unacceptable and objected to.

**ALTERNATIVE IV
Prohibit Road Construction, Reconstruction and ALL Timber Harvest within Unroaded Portions of Inventoried Roadless Areas.**

The undersigned reiterate and incorporate herein all the comments and objections set forth above.

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Alternative IV proposes to prohibit any timber extraction for commodity or stewardship purposes. This in itself would be and would cause gross mismanagement. Mismanagement is already a significant problem with the agency. The affects would be in clear violation of the Multiple Use And Sustained Yield Act of 1960. It would aggravate the existing danger of catastrophic wild fires which have already burnt thousands of acres including private homes and businesses. The rule and Alternative would in affect negate and void any local input into the management prescriptions on 54 million acres, and withdraw these lands and resources. It would, in effect, create 54 million acres of wilderness without Congressional approval and action. Alternative IV is nothing more or less than the implementation of "The Wildlands Project" and the IUCN's Protected Areas Program. The adverse impacts and the undesirable and unintended consequences of Alternative IV are immeasurable. (Public Law 91-190, Section 101(b):

The implementation of Alternative IV would probably: (1) violate the public policy of Congress; (2) violate existing domestic law; (3) impair, abrogate, or otherwise prejudice the responsibility of the State to manage water resources, wildlife, fish and game, and to provide emergency services; (4) impair access to lands and to the use and enjoyment of valuable resources; (5) impair or withdraw multiple use and proper conservation management of public lands and resources; (6) be adverse to the health, safety and welfare of local people and communities, and (7) create de facto wilderness areas. Alternative IV is wholly unacceptable and objected to.

**ADMINISTRATIVE PROCEDURES
ALTERNATIVE 1
No Action; No Prohibitions**

For the reasons stated, Alternative 1 will not cause any procedural changes and will not cause the expenditure of time and resources which would be required under Alternatives II, III and IV. Of no less importance, all but Alternative 1 would substantially change the present procedures by making a clear predisposition of 54 million acres of land and the resources located thereon. Under Alternative II, III and IV, input by the Tribal, States and local governments and by other interested parties would be a senseless effort in futility. The adverse affects would remain even though the predetermined withdrawal and preconceived management prescription was contrary to the health safety and welfare of the people and to the health, usefulness, and proper management of the lands and resources located thereon. Alternative 1 is the only viable choice.

CONCLUSION

The proposed roadless area rule and Draft Environmental Impact Statement (EIS) are deficient in presenting and addressing the total values and adverse impacts that would occur if the rule were implemented. The centralized withdrawal and administrative prescription of 54 million acres of public lands arid the resources located thereon would impair management needs, usurp

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authority, and prejudice the authority, rights, and responsibilities of the several States, the local authorities, the people. It might also violate or impair treaties with Indian Nations and the rights of indigenous people. The generalized prescription and withdrawal of 54 million acres, more or less, would cause significant economic, social, political, and cultural impacts which are not addressed and, for all intents and purposes, cannot be addressed in such a broad and sweeping fashion. The proposed rule could also adversely impact the environment itself by causing further impairments to proper conservation management. The proposed rule is apparently politically motivated and is adverse to the health, safety, needs and interests of those who would be most effected by its implementation. The proposed rule has already caused litigation. The litigation costs come out of the fiscal appropriation made to the agency. This also reduces the financial resources available for management needs.

Of no less importance, the proposed rule and implementation of Alternatives II, III and IV would probably violate numerous provisions of existing domestic law, including but not limited to, the Multiple Use and Sustained Yield Act of 1960, Public Law 86-517, 74 Stat. 215; the Wilderness Act of 1964, Public Law 88-577, 79 Stat. 890; the National Environmental Policy Act of 1969, 83 Stat. 852; and the Federal Land Policy and Management Act of 1976, Public Law 94-579, 90 Stat. 2743

For the reasons stated, Alternatives II, III and IV are objected to in their entirety. "Alternative I, No Action, No Prohibition", is the only prudent and legal course of action presented.

(S)

Howard Hutchinson,
Executive Director, Coalition of Arizona/New Mexico Counties
P.O. Box 125
Glenwood, New Mexico 88039

"In the Heart of Nature's Best"

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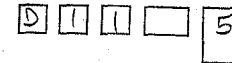
TOWN OF FREDONIA

P.O. Box 217
Fredonia, AZ 86022

Telephone: 520-643-7241
Fax: 520-643-7627

July 13, 2000

USDA Forest Service - CAET
P. O. Box 221090
Salt Lake City, UT 84122
Telefax 877-703-2494



Attention: Chief Dombeck

PAID RECEIVED

JUL 17 2000

Dear Sir:

Subject: Roadless Areas Proposed Rule

The Town of Fredonia would like to go on the Federal Record objecting to the Forest Service Roadless Area Conservation Plan. First and foremost, from the time we received the Draft Environmental Impact Statement (DEIS), we have not had enough time to review and respond rationally to a plan of this magnitude.

One of our first thoughts concerns the revenues generated from our forest resources: What impact will the lack of these revenues have on our education system? We are dependent on the resources that are derived from our Federal lands, and limiting access to these lands will have a direct impact on all resource-based communities.

Initial review of this DEIS indicates to us that the U. S. Forest Service is going from a Planned Management System to a Non-Managed Forest System. We urge you to reconsider this proposal, keeping in mind the human and economic impact.

Sincerely,

Steven L Winward, Mayor
Town of Fredonia

cc: Senator John McCain
Senator Jon Kyl
Congressman Bob Stump

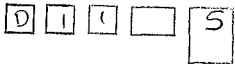


Town of Gilbert, Arizona
 A Community of Excellence
 Municipal Center
 1025 South Gilbert Road
 Gilbert, Arizona 85296

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July 12, 2000

Chief Mike Dombeck
 USDA Forest Service - CAET
 Attn: Roadless
 P.O. Box 221090
 Salt Lake City, UT 84122



PAID RECEIVED
 JUL 17 2000

Dear Chief Dombeck:

As a Councilmember for the Town of Gilbert, I am writing to comment on the Forest Service's National Forest Roadless Area Draft Environmental Impact Statement. Gilbert is only a few miles from the border of the Tonto National Forest in Arizona. I commend your efforts to gather broad public input on this important issue. I trust that a letter from a community leader in the Greater Phoenix Metropolitan area, where many recreational users of our National Forests reside, will be useful in your decision-making process.

Citizens of Arizona depend on roadless forest areas to protect important public and ecological values. The state of Arizona and local communities benefit from the recreational opportunities such as fishing, hunting, camping, hiking and sight-seeing that these areas provide. Roadless areas also support unique habitat for many species, including big game and sensitive species, such as our many endangered native fish. As Arizona's population continues to increase, and the Phoenix Metropolitan area grows more congested, Arizonans are increasingly demanding that wild and open spaces be protected as places for recreation and pristine habitat. Recent surveys have shown that the American public overwhelmingly supports the protection of our roadless wild forests for these reasons.

I am certain that I speak for thousands of my constituents that enjoy backpacking in the Superstition Wilderness Area, hiking in the Sierra Ancha Mountains, and hunting in the Mazatzals. We need our roadless areas, both now and for our future generations. Personally, I hope to share with my children the joys I have known with time spent in the Superstitions and Mazatzal Mountains.

I urge you to protect the roadless areas of the Tonto National Forest and push for a final policy that provides immediate and full protection for all National Forest roadless areas without exemptions. I applaud your efforts to protect America's roadless lands for people in Arizona and for all Americans.

Sincerely,

Michael A. Evans

Michael A. Evans
 Councilmember

MAE:js

Area Code (480) 503-6000 Fax (480) 497-4943 TDD 503-6080

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Arkansas Game & Fish Commission
2 Natural Resources Drive Little Rock, Arkansas 72205

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Bill Bridgforth
Chairman
Pine Bluff
Marion McCollum
Vice Chairman
Stuttgart
Jim Hinkle
Mountain View
Dr. Lester Sitzes
Hope



Hugh C. Durham IV
Director

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Forrest Wood
Fippin
Mike Freeze
England
Sheffield Nelson
Little Rock
Professor Donald Roufa
University of Arkansas
Fayetteville

July 13, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

The following is the response from Arkansas Game and Fish Commission regarding the Roadless Area Conservation DEIS. As a conservation agency with a public mandate to perpetuate endemic and migratory wildlife and fishery species, the Commission appreciates the opportunity to submit the following comments regarding the proposed rule.

Because our forest issues and conditions are so drastically different from other regions, we are supportive of individual forest plans and the planning process. This roadless initiative is cast with a strong western flavor and reflects, throughout the DEIS, many issues that are not experienced in eastern and southern forests. Our forests, in contrast to the large expanses of public ownership in the west, exhibit minimal overall "roadless characteristics" as defined during RARE II. This initiative is in direct opposition to our most important forest, wildlife and fisheries needs. Our southern forests lack the vegetative diversity required to support viable populations of wildlife species. The condition of our forests and the associated wildlife and fisheries species are the result of centuries of both natural and cultural disturbances across the landscape

The Arkansas Game and Fish Commission regards this proposal as being ill-conceived and not in keeping with the Multiple Use Sustained Yield Act, the National Forest Management Act as well as the current Forest Plans. The proposal was not generated from a comprehensively assessed biological need at the forest level and was not given the responsible critique by the many disciplines involved in making national forest management decisions. The manner, by which this proposal was initiated, during an election year, circumvents the normal process we have been operating under. The "fast track" manner, by which public hearings have been scheduled, sends a strong and disturbing signal to cooperating partners that have enjoyed a long and productive

The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources of Arkansas while providing maximum enjoyment for the people.

relationship with the Forest Service. Our agency has a history of working hard with local Forest supervisors to best address wildlife habitat and other resource needs that are important to our state. We are concerned that this initiative attempts to direct the stewardship of our federal resources through partisan political agendas.

The overall language and associated Alternatives of the DEIS creates an antagonistic connotation that active forest management is diametrically opposed to maintaining high water quality. We feel that sustainable forest management can be achieved without sacrificing water quality. Best Management Practices (BMPs) and an increasing technology in the field of forestry and harvesting techniques are compatible within watersheds. Our mountainous regions in Arkansas, where Forest Service lands are located, currently have the highest water quality within the state. This in itself is proof that forest management is compatible with good water quality.

This initiative is also in direct opposition to the important issues within the ranks of Forest Service research and resource personnel. The Forest Service currently has three other important resource initiatives, that we have been a part of, that highlight much different assessed needs than expressed in the DEIS. There is currently a national initiative to assess Forest Sustainability, lead by Forest Service staff. There are experts questioning the ability of current forests to sustain themselves without a dramatic change toward more active management. Secondly, the Forest Service has just recently completed an Openlands Assessment of forests in the south and northeast. The disturbing conclusion was a severe lack of early forest conditions throughout. Finally, our forests are very threatened by an approaching invasion of gypsy moths. The Forest Service has researched and developed comprehensive forest management guidelines that require management to increase forest health and vigor prior to this eventual outbreak. The protective nature of this roadless initiative fails to support the assessed needs for management that the above initiatives emphasize repeatedly. It doesn't seem to us to be a time of setting more land aside under protection in southern forests, but rather a time of increasing active management to ensure forest sustainability.

Therefore, our comments regarding the DEIS can best be addressed through the following three areas of concern: Forest Health and Sustainability, Water Quality and Early Successional Habitat Diversity. These are the federal land issues that we feel are of utmost importance within our region.

FOREST HEALTH AND SUSTAINABILITY

Forest health and sustainability are a major issue of importance in the southeast, and the Arkansas Game and Fish Commission supports scientifically-based decisions that will better ensure sustainability. Our forests are very old and forest health/vigor is declining. In northern Arkansas, which is primarily oak-hickory, the forests are becoming increasingly low in viability with little regeneration occurring on the forest floor. These forests have grown and developed as a result of disturbances and forest manipulations. They require our intervention to remain healthy and productive. Our great concern is that

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with more and more forestland restricted from wise management, the character of these forests will change and, in turn, not support the indigenous wildlife species we highly regard today. If we allow the flora to change so will the fauna it supports.

Our concerns are that this proposal will result in more forestland arbitrarily being placed within protected status, eliminating more lands from sustainable management alternatives without proper public/professional input at the local level. These National Forests represent nine percent (9%) of the habitat in our state. When coupled with the closely associated private lands, what does or doesn't happen on these lands directly affects over four million acres of wildlife habitat in Arkansas. The DEIS has the potential of reducing forest management in these proposed areas through the prohibition of reconstruction and maintenance of even temporary roads. Without the responsible use of roads in our part of the country, forest management is not an affordable alternative.

As assessed by the Forest Service, these forests are in poor health, do not have adequate regeneration and are very susceptible to insect mortality. Current research shows that in order to regain forest health and sustain these oak-hickory canopies, the use of both fire and mechanical treatments will be necessary.

WATER QUALITY

Our agency strongly advocates the need to maintain high water quality standards in conjunction with all activities sanctioned on these federal lands. Our aquatic resources in these mountainous regions are somewhat more fragile and should be protected from misuse. We feel that local Forest Service staff has established revisited and amended policies for each forest use, whether resource management or recreational, that include provisions to protect water quality.

The DEIS suggests timber management is contrary to maintaining water quality. We feel this is not an either/or situation. Water quality has been shown to be maintainable within watersheds where sound forest management activities have been implemented. The Forest Service continues to monitor water quality through their aquatic division in our state to ensure resource protection. Roads can be developed, vegetated and then closed without increased erosion.

We feel that the DEIS places undue emphasis upon timber management being the sole cause of erosion and lower water quality. Other forest uses are currently being investigated by the agency regarding the detrimental effects they are having within watersheds. The Forest Service is responsible for the enforcement of already established policies and guidelines for forest uses. Consistent policies regarding recreational uses and an increased emphasis on enforcing these policies will serve issues of water quality more effectively than singling out timber management.

The Arkansas Game and Fish Commission is not opposed to road development for habitat management purposes, provided these roads are appropriately designed, re-

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vegetated and closed after management treatments. The Forest Service must be prepared to effectively close roads that are not necessary to meet these habitat requirements, that are unsafe, or are contributing to unacceptable levels of water quality degradation. We support controlled access on Forest Service lands to provide resource protection from both erosion and habitat degradation while maintaining habitat quality and forest health.

EARLY SUCCESSIONAL HABITAT DIVERSITY

Many of our wildlife species of concern are dependent upon both disturbance of forest canopies and a mix of early successional habitats across the landscape. We feel that current wilderness areas, coupled with other designated areas that restrict intensive management (i.e. LIM lands) provide enough representation of older age classes as needed on these forests. The habitats that are not well represented are the early successional plant communities that both our resident and migrating wildlife species are dependent upon. This is best expressed by the recent Openlands Assessment developed by the Forest Service across the eastern half of the country. These are the types of habitat needs identified by the team of scientists.

The Arkansas Game and Fish Commission supports management strategies that provide a diversity of successional stages throughout the forested landscape. These sentiments were expressed during the previous forest planning and are mandated within the current forest plans for both of our state's national forests. These requirements are not being met, primarily due to ongoing litigation at the project levels which constrict the Forest Service's ability to perform necessary treatments. Forest management offers the most affordable and practical way of meeting these early successional habitat needs across the landscape.

As previously mentioned, many of our terrestrial species are dependent upon these types of disturbed sites, however, our aquatic species in these watersheds are dependent upon high water quality standards. Species such as smallmouth bass, longnose darter and Ouachita rock pocketbook mussel require less disturbed conditions. Therefore, water quality must be maintained while providing these terrestrial habitats through prescribed fire and mechanical treatments. The Arkansas Game and Fish Commission is not aware of any species of concern that would benefit, at the local level, from this initiative.

PREFERRED ALTERNATIVE

The Arkansas Game and Fish Commission is not satisfied that the choice of alternatives within the DEIS are comprehensive enough. The selection of alternatives are narrow in scope and therefore limit the agency from choosing the best, most logical choice. As written, they are too ambiguous and leave future policy decisions open to various broad interpretations.

15904

Should our agency select Alternative 1, we feel that we would be perceived as advocating unrestrained exploitation of forest resources without concern over water quality. Choosing Alternative 2 or 3 would have us agree that forest management could be performed under unrealistic restrictions and prohibitions. Alternative 4 does not meet any acceptable criteria we would support due to being too prohibitive of management.

Therefore, we would like to submit the following Preferred Alternative to the Prohibition Alternatives:

Alternative 5: Support Individual Forest Plan Policies; No national initiatives that would circumvent forest plans and the planning process

Under the Procedural Alternatives our agency's choice is:

Alternative B: Forest Planning Process Implemented at Next Forest Plan Revision

We, again, appreciate the opportunity to submit these comments on this draft proposal. Our hope is that these comments reflect the importance we place upon the development of forest plans by which local and regional resource issues are best addressed.

Sincerely,



Hugh C. Durham, IV
Director

Cc: Rep. Helen Chenoweth-Hage
Sen. Blanche Lambert- Lincoln
Sen. Tim Hutchinson
Rep. Jay Dickey
Rep. Marion Berry
Rep. Vic Snyder
Alan G. Newman
Charles S. Richmond

DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING - MS 32
1120 N STREET
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
Telephone (916) 653-9689
Fax (916) 653-1447

13979 

5 1 1 1 5

July 14, 2000

RECEIVED
JUL 17 2000

Mr. Mike Dombeck
USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Subject: California Department of Transportation Comments and Review of U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement

Dear Mr. Dombeck:

Thank you for the opportunity to review this Draft Environmental Impact Statement for the U. S. Forest Service Roadless Area Conservation Proposed Rule. The California Department of Transportation (Caltrans) has reviewed this environmental document in our headquarters and statewide district offices. Caltrans main concern is the restrictions this rule might place on our existing rights to repair, maintain, operate and improve the state transportation system in these National Forest areas. Caltrans presently operates state highways and their associated facilities through National Forest by right of easement, permit and agreement. How will this proposal ensure the continuance of existing Caltrans rights?

The following is a list of the State Routes (SR) through National Forest in California that appear to be affected by this rule: Angeles National Forest (NF) - SR 2; Cleveland NF - I-8, SR 74; El Dorado NF - SR 88; Humbolt-Toiyabe NF - SR 108, SR 4, and SR 88; Inyo NF - SR 395, SR 120, and SR 168; Lake Tahoe Basin - SR 89 and SR 88; Lassen NF - 89 and 32; Los Padres NF - SR 166, SR 33 and SR 184; Mendocino - None apparent; Modoc NF - None apparent; Rogue River NF - None apparent in California; San Bernardino NF - SR 74, SR 38 and I-15; Sequoia NF - SR 178; Shasta-Trinity NF - SR 3, I-5, SR 36 and SR 299; Sierra NF - SR 180 and SR140; Siskiyou NF - None apparent; Six Rivers NF - SR 199 and SR 299, Stanislaus NF - SR 4 and SR 108; and Tahoe NF - None apparent.

On Page S-7 under Prohibition Alternatives . . . "As stated in the proposed rule, the responsible official may authorize road construction or reconstruction . . . when: . . . Please define "responsible official" and the limits of their authority relative to existing rights and agreements between the USFS, Caltrans and the Federal Department of Transportation for the operation, maintenance, repair and improvement of California transportation facilities and roadways through National Forests in California. How does this proposal affect local and regional transportation plans for development of new corridors and roadways, planned new roadway construction, new alignments, safety and roadway improvements, increased capacity projects, roadway realignments, or roadway maintenance and modifications on existing or planned transportation systems through National Forests in California?"


Dombeck
4, 2000

13979

How will this proposal ensure the continuance of alternative routes and detour routes when state facilities have sustained catastrophic damage (fire, flood, landslide, etc.)? Lastly, the California Air Resources Board has designated portions of the Sierra Nevada as non-attainment for the 1999 revised National Ambient Air Quality 8-hour ozone standard. This DEIS should address regional air quality issues and the impacts and mitigation that would be involved with the plan's alternatives, especially those alternatives with trailhead parking and staging areas.

If you have questions regarding these comments, call me at (916) 653-9689, fax (916) 653-1447, or e-mail to Bill.Costa@dot.ca.gov.

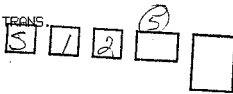
Sincerely,



William J. Costa, Coordinator
Caltrans Intergovernmental
Review Program

cc: Twelve District Coordinators

JUL-17-2000 13:00 DEPT. OF TRANS.
 DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION PLANNING - MS 32
 1120 N STREET
 P.O. BOX 942874
 SACRAMENTO, CA 94274-0001
 Telephone (916) 653-9689
 Fax (916) 653-1447



916 653 1447 P.01/04



28908

Post-It Fax Note	7671	Date	7/17/00	# of pages	4
To:	ROADLESS AREAS RULE	From:	Bill Costa		
Co./Dept:	USDA - FS-CAET	Co.:	CALTRANS HQ IGR		
Phone #		Phone #	(916) 653-9689		
Fax #	(916) 653-1447	Fax #	(916) 653-1447		

July 17, 2000

Mr. Mike Dornbeck
 USDA Forest Service-CAET
 Post Office Box 221090
 Attention: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

Subject: California Department of Transportation Additional Comments and Review of U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement

Dear Mr. Dornbeck:

The following are comments the California Department of Transportation (Caltrans) would like included as additional comments to its July 17, 2000 letter to you on the U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement.

- Caltrans basic statewide concern with this proposed rule is whether or not continued flexibility will be permitted to: 1. Maintain and improve existing state roadways and facilities in National Forest (inventoried or non-inventoried roadless areas); and 2. If construction of new facilities and roadways for safety and operational purposes, including new alignments and passing lanes where necessary, will be permitted. Please explain and identify how these maintenance, improvement and new construction concerns will be addressed by the implementation of this rule. Also, please identify specifically what RS 2477 is and how this revised statute (RS) applies to this proposed rule and Caltrans facilities and roadways in National Forests in California.
- Attached to these additional comments are July 13, 2000 and December 20, 1999 comments from the Caltrans District 7 office in Los Angeles. Please answer the questions posed in the July 13, 2000 memorandum and the December 20, 1999 letter.
- Lastly, Caltrans noticed a discrepancy in the spelling of El Dorado in Volume 2 - Maps, page 26, and my misspelling of Humboldt (I misspelled Humbolt) in the Caltrans July 14, 2000 letter.

If you have any questions regarding these additional comments, call me at (916) 653-9689, fax (916) 653-1447, or e-mail to Bill.Costa@dot.ca.gov.

Sincerely,

William J. Costa, Coordinator
 Caltrans Intergovernmental
 Review Program

cc: Katie Shulte Joung, SCH# 2000054013
 Twelve District Coordinators

JUL-17-2000 13:00 DEPT. OF TRANS.

916 653 1447 P.02/04

MEMORANDUM

28908

From: DEPARTMENT OF TRANSPORTATION
 District 7, IGR-CEQA

Date: July 13, 2000

To: BILL COSTA

File No: 000665/EA

Subject: USFS Roadless Area Conservation Plan

Caltrans D-7 is concerned with the area designated as National Forest System lands outside of inventoried Roadless Areas of the Angeles National Forest System between SR-14 and SR-2. Since some of this area is not inventoried, will the FEIS preclude any restrictions on building any new roads in this area? An exemption process needs to be established for roads that exist in what will become Roadless Areas.

District Seven would like to reiterate our concerns stated on the letter dated December 20, 1999 and continue to work towards a mutual and beneficial solution for the Angeles National Forest and for the transportation needs of the people in this area.

If you have any questions regarding this response, you may reach Steve Buswell at (213) 897-4429 or Elmer Alvarez at (213) 897-6696.

Sincerely,

STEPHEN J. BUSWELL
 IGR/CEQA Program Manager
 Transportation Planning Office
 Caltrans, District 7

28908

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, ADVANCE PLANNING
REG OFFICE 1-106
12050 SPRING ST.
LOS ANGELES, CA 90012
TEL: (213) 897-0486 ATSS: 8-647-0486
FAX: (213) 897-0906
E-mail



December 20, 1999

MR. MICHAEL J. ROGERS
United States Department of Agriculture
701 North Santa Anita Avenue
Arcadia, CA 91006-2725

IGR/CEQA #991241/NP
ND; National Forest System Roadless Areas
United States Department of Agriculture

Dear Mr. Rogers:

Caltrans acknowledges receipt of the above-referenced document. The document indicates, the Forest Service is initiating a public rulemaking process to propose the protection of remaining roadless areas within the National Forest System.

Our review of the document indicates:

In the Los Angeles area, Caltrans foresees a need for a new facility parallel to State Route 14 between State Route 138 and Interstate 210. Caltrans recognizes the value and importance of preserving the existing ecological system and will rely strongly on the proposed environmental impact statement in the planning, design, and construction process. The financial, environmental, and public difficulties of the Forest Service stated in the NOI are reasonable justifications to temporarily shut down construction in roadless areas, but to shut it down permanently would be ill-advised and rob the forests' potential to providing an economic, commercial, scenic, and proficient pathway into and out of the region. An alternative to constructing on the surface would be to bore underground tunnels leaving the environment intact. Through careful design and construction methods erosion, landslides, and slope failure can be minimized. Landscaping of any new facility should incorporate natural building materials to reduce the modern artificial look and create a sense of dynamic unity with the surroundings. Since any new facility will likely be fully funded and maintained by the State and Federal transportation agencies, the Forest Service will not incur financial burden. We ask that each proposal be looked at on a case by case basis and judged individually based on its merits.

28908

Michael J. Rogers
12/20/99
Page 02

Thank you for the opportunity to have commented on the project. If you have any questions, please feel free to contact the undersigned at (213) 897-4429 and refer to our IGR/CEQA #991241/NP.

Sincerely,

Original Signed By

STEPHEN J. BUSWELL
Program Manager
IGR/CEQA

cc: Scott Conroy

bcc: Dan Kopulsky

V 1 3 [] 5

2825

INGLEWOOD, CA 90301
(310) 412-0393

TERESA P. HUGHES
TWENTY-FIFTH SENATORIAL DISTRICT

GOVERNMENTAL ORGANIZATION
HEALTH AND HUMAN SERVICES
INSURANCE

CHAIR, SELECT COMMITTEE ON COMMUNITY DEVELOPMENT
CHAIR, SELECT COMMITTEE ON SCHOOL SAFETY
CHAIR, SUBCOMMITTEE ON ALZHEIMERS



MAILED
PART RECEIVED



May 1, 2000

JUN 03 2000

Michael Dombeck, Chief
United States Forest Service
PO Box 96009
Washington, DC 20090

RECEIVED
MAY 17 2000
DEPUTY CHIEF NFS

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of California, I understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas of recreation and spiritual renewal. Even if they are not so fortunate as to live next to national forest roadless areas, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. California is fortunate to have some of the nation's most impressive national forests. From Klamath National Forest to Angeles National Forest, our national forests account for 25% of national forest recreation nationwide.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best serviced if you succeed in establishing such a strong forest protection policy.

Sincerely,

Teresa P. Hughes

Teresa P. Hughes
MEMBER OF THE SENATE

Cc: Matthew Stemberidge

Received in FS/CCU
Initial: KH
Control No: 4153944

RECEIVED
MAY 17 2000

Assembly California Legislature

DICK DICKERSON
ASSEMBLYMAN, SECOND DISTRICT

13977

CAPITOL ADDRESS:
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 319-2002
FAX (916) 319-2102
DISTRICT OFFICE:
100 EAST CYPRESS AVENUE
SUITE 100
REDDING, CA 96002
(530) 223-6300
FAX (530) 223-6737

V 1 1 [] 3

June 28, 2000

Chief, Forest Service USDA
P. O. Box 221090
Attention: Roadless Area Proposed Rule
Salt Lake City, Utah 84122

MAILED
PART RECEIVED
JUN 17 2000

Dear Chief Dombeck:

As a State Assemblyman with four National Forests within my 2nd Assembly District and as Vice Chairman of the California Assembly Water, Parks and Wildlife committee I have the following comments concerning the "Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule.

First and foremost, I am concerned that this rule making is a blatant violation of the sufficiency language of the California Wilderness Act of 1984 and the local Forest Plan revision processes mandated by law in the National Forest Management Act (NFMA). It also violates the "integrated planning process" and involvement of state and local governments set forth in Sec. 6 of the Forest and Rangelands Renewable Resources Planning Act (RPA). Finally, it does not offer the required wide range of alternatives. There are no choices between the no action alternative and the inclusion of the entire 43 million acres as roadless.

Your analysis in the DEIS estimates that at the current rate of roading only 5-10 percent of the inventoried roadless areas would have roads built in them in the next 20 years. Many Forest Plans are in the process of revision and virtually all will be revised in the next 10 yrs. What then is the urgency that drives you in the Draft EIS to reject the local, integrated Forest Planning process? Our local communities understand and count on this planning process to make management changes in the National Forests that affect their very livelihood, recreation and safety. I suggest strongly that you reinstate and use this alternative.

Your denial to the States for cooperating agency status as requested by Western Governors should be grounds for starting the process over to avoid non-compliance with the above planning laws.

13977

P. O. BOX 158
MARKLEEVILLE, CALIFORNIA 96120

THE BOARD OF SUPERVISORS
ALPINE COUNTY, CALIFORNIA

16272

TELEPHONE
530-694-2281
FAX
530-694-2491



July 6, 2000

CAFT RECEIVED
JUL 10 2000

While the DEIS recognizes the need for fuel treatment in roadless areas it does not adequately assess the inordinately high cost of treatment without roads and the impact on fisheries and adjacent rural communities.

Last fire season hundreds of thousands of roadless acres were devastated by fire in my District. The cost of suppressing these fires was disproportionate because of their roadless condition. Some of these fires burned out of roadless areas into communities and virtually all are now silting critical fish habitat.

Again, I simply urge you to table this rule making in favor of the established and legal Forest Plan Revision process the allows for a high level of local public involvement and integration with all the uses of our National Forests.

Sincerely,


DICK DICKERSON
2nd District

USDA Forest Service
Attention: Roadless Areas DEIS
P.O. Box 221090
Salt Lake City, UT 84122

RE: Comments on the National Forest System Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS)

Project Team Leader,

At its meeting July 5, 2000, the Alpine County Board of Supervisors voted to submit the following comments in response to the proposed roadless area rule and accompanying DEIS, published in the Federal Register on May 10, 2000:

1. Alternatives In General

The proposed alternatives do not provide a true range of alternatives developed in response to public comment, but rather, appear biased in a way that assures a specific, pre-determined outcome: prohibition. Although the Board of Supervisors recognizes the importance of protecting the County's more than 700 square miles of national forest lands, it is equally cognizant of the economic benefits which can be derived from wise management of these natural resources. Nowhere in the range of alternatives provided is there any reference or consideration given to rural counties such as Alpine, where economies have long been reliant upon timber production, agriculture (grazing) and mineral extraction as an economic base. To that end, the DEIS does not provide scientific proof that these activities, when done properly, are detrimental to the environment. The DEIS fails to acknowledge issues and concerns presented by the recreation community and local governments concerning the social, economic and environmental issues resulting from the proposed rule, and should at least address these issues in the form of an alternative to which the public may respond.

2. Prohibition Alternatives

The Board of Supervisors objects to the U.S.F.S. preferred alternative, and requests further consideration of Alternative 1, No prohibition of activities in inventoried roadless areas. There are a number of reasons for this position, including:

To begin with, the Board of Supervisors believes the current inventory of Alpine County "roadless areas" is seriously flawed. This has been a point of contention for local government since the roadless initiative was first introduced. The public process concerning the inventory of roads on the Humboldt-Toiyabe National Forest was conducted in Ely, Nevada in late 1997, without any form of local public notice or input. There is no means for Alpine County to verify the accuracy of the road inventory

USDA Forest Service
Roadless Area Conservation Proposed Rule
Page 2

conducted at that time, which, from the County's perspective, could potentially invalidate the assessment of Alpine County roadless areas. Further, new definition(s) of "roadless" are proposed which conflict with the guidelines applied in the previous inventory process. This has led to much confusion about the proposal and the DEIS publicly, on a local ranger district level, and in regional forest service offices. A process for correcting these inadequacies must be provided.

Furthermore, the DEIS apparently does not acknowledge the County's legitimate public right-of-way established under RS 2477. Alpine County has long argued its claim to public right of way on roads constructed at the time when federal lands were open to entry and appropriation. Some of these areas are now incorrectly identified as "roadless".

Road policy must provide flexibility for providing short-term, low impact access to areas where timber harvest and resource extraction is feasible without involving major road construction. Local economies will be deprived of the economic benefit derived from the development and implementation of new, state-of-the-art forest product industries, such as composting and chipped wood products, due to restrictions on access to inventoried areas designated (perhaps incorrectly) as "roadless". Loss of local revenues due to the reduction or elimination of commodity production indirectly impacts schools, maintenance and construction of local streets and highways, emergency services, and communities, particularly in rural areas that do not have a wide industrial base. These socioeconomic impacts on forest-dependent communities is not adequately addressed in the DEIS and is in violation of existing federal policy under the National Environmental Protection Act (NEPA).

If the U.S.F.S. unequivocally adopts Alternative 2., it essentially eliminates implementation of local fire management strategies, an issue of grave concern to Alpine County. Wildfire conflagration is the single greatest threat to the environment of the Inter-mountain West. The ability to deal with this threat at the local level is crucial. With more than 95% of its lands held in public ownership, including some 59,000 acres of wilderness, Alpine County is at high risk of insect infestation, disease and ultimately, wildfire conflagration. These fires will not only compromise the forests' ability to provide timber, outdoor recreation, wildlife habitat, and watershed quality, they also pose serious risks to human health, life and property. Construction of roads necessary for fuels reduction, timber stand improvement, recreational enhancement, and environmental enhancement must be permitted on an as-needed basis.

The DEIS does not acknowledge the amount of public access and recreation opportunities that are currently supported by these lands, and the effects of the future reductions caused by this decision, particularly in rural communities. The DEIS does not contain quantifiable recreation-based data from industries, rural tourism associations, and user groups that will be negatively impacted by the reclassification of roaded and roadless areas. The proposed alternatives will reduce the opportunities for motorized recreation to expand into these roadless areas in the future and will therefore reduce the quality and availability of opportunities such as snowmobiling, off-road vehicle use, mountain biking, camping, cross-country and downhill skiing, photography, painting, backpacking, horseback riding, birding, swimming, white water rafting, and canoeing, etc.

16277

USDA Forest Service
Roadless Area Conservation Proposed Rule
Page 3

Nor does the DEIS address the effects on roaded areas as a result of increased use, and the impacts caused by over-use. While population increases at an accelerated pace, urban areas look to public lands for recreational opportunities that cannot be found elsewhere. Restricting accessibility to national forest lands will result in environmental damage by eliminating dispersed recreation. Local government may be impacted by increases in services such as law enforcement and emergency response, due to the concentration of activities in specific areas and conflicts encountered by multiple user groups.

The DEIS does not adequately address traditional, historic and cultural activities impacted by restricting access to or expanding roadless areas, such as preservation of Native American cemeteries and burial grounds; traditional activities such as pine nut harvesting, hunting and fishing, rock hunting, Christmas tree cutting and firewood cutting.

3. Procedural Alternatives.

Although the Board of Supervisors has long supported that forest management decisions must be made on a case-by-case basis (Alternative C.), it is unclear whether local managers will have the authority to bypass road policy that conflicts with local management decisions. The Board of Supervisors reiterates its position that local government and citizen representatives must be directly involved in forest planning issues prior to development and implementation of public policy. Forest management is best accomplished by allowing decision-making and flexibility at the local level where trained, experienced personnel in the field are familiar with on-the-ground conditions.

The DEIS does not directly acknowledge or value existing agreements for local management between local government entities and regional or district Forest Service offices. Alpine County has a long history of working cooperatively with the Humboldt-Toiyabe National Forest, the Stanislaus National Forest and the Eldorado National Forest for the responsible stewardship of its public lands. The Board of Supervisors has the same, if not greater, expectations for open communication and collaboration on the roadless initiative, given the potential long-term impacts of the proposed rule. Limiting the evaluation of roadless characteristics to forest plan revisions leaves local managers hamstrung when faced with management decisions outside of that process.

The Board of Supervisors objects to the fact that access to public lands will forever be impacted by restrictions imposed by lawmakers today. It believes that future decision makers should have the opportunity to address multiple use of national forest lands on a case-by-case basis, and that they should be allowed to make those decisions independently. In simplest terms, the proposed rule says that in the future we will never have a viable need or reason to extend the road beyond where it ends now in a national forest. The implications of this action are far reaching, not only to us but to future generations, as well. To lock out now and into perpetuity access to approximately four million acres of public lands in the state of California alone is deciding our children's future now.

16277

USDA Forest Service
Roadless Area Conservation Proposed Rule
Page 4

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16029

K I I S

Therefore, given the conflicting or inadequate information provided in the DEIS, the Board of Supervisors can reasonably only support Alternative A. No new roadless procedures should be established.

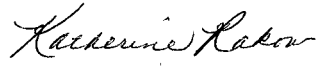
July 12, 2000

Thank you for your consideration of the comments provided by Alpine County.

USDA Forest Service - CAET
Attn: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Respectfully submitted,

Re: Forest Service Roadless Area Conservation Draft EIS



KATHERINE RAKOW
Chair, Board of Supervisors

To Whom it May Concern:

- cc: Mike Dombeck, Chief, USFS
Jack Blackwell, Regional Forester, Region IV
Lynn Sprague, Regional Forester, Region V
Robert Vaught, Forest Supervisor
Gary Schiff, District Ranger
Congressman John Doolittle, U.S. Congress
Senator Diane Feinstein, U.S. Senator
Senator Barbara Boxer, U.S. Senator

The County of Amador, after a unanimous vote of its Board of Supervisors, in this letter provides its comments on the Forest Service's Roadless Area Conservation Draft Environmental Impact Statement ("DEIS").

1. In initiating any policy or rule governing all National Forests, the Forest Service should begin by gathering the views from the widest possible spectrum of interested individuals and entities. The DEIS suffers from the proposed rule's heritage: the rule was developed in draft form by environmental advocates without the Forest Service's obtaining of equal input from the grazers, foresters, recreationists, local governments, and others with well-developed interests in National Forests. The Forest Service should not limit its policy proposals to those sponsored by environmental advocates. Such a limit skews this DEIS and any policy based thereon. The Forest Service has inverted the policy making process by pouring "data" into the small end of the funnel; and
2. Nearly a third of Amador County is in the Eldorado National Forest. The Forest Service's existing policies and certainly this proposed rule increase every year the risk of catastrophic fire in the Eldorado National Forest and in Amador County. The emphasis on the development of more roadless areas means a concomitant decrease in the harvesting of aging trees in those areas, leaving the forest in an increasingly degraded condition. Amador County is at risk from this proposed policy; and
3. The Forest Service should avoid taking a national approach to forest issues that may have significantly different impacts in specific forests, such as the Eldorado National Forest in this County. Instead of proposing a policy affecting all National Forests the Forest Service should advocate the developing of strategies that concentrate on local benefits and impacts and methods of maximizing the local benefits and avoiding adverse impacts; and

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16029 ✓



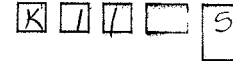
CALAVERAS COUNTY

BOARD OF SUPERVISORS

43573

891 Mountain Ranch Road San Andreas, California 95249 (209) 754-6370 FAX (209) 754-6733

- 4. The DEIS denigrates the economic use of National Forests in order to promote only "environmental" goals. The uses of National Forests for grazing, timber harvesting, and active recreation are beneficial uses for society as a whole. The Forest Service ignores them and imperils the balanced use of National Forests to satisfy only one small segment, however vocal, of the American public; and
- 5. The Forest Service should recognize that uses exist in areas which may be subject to the proposed Roadless Area Policy, which uses have been lawfully constructed and permitted. Those uses have been subject to prior NEPA review. Those prior NEPA decisions are generally based on local conditions and thus more accurately reflect local environmental conditions. Those local decisions based on NEPA review should not be exterminated by a NEPA document of national scope creating a national policy affecting local environments; and
- 6. Finally, Congress and not the Forest Service should undertake such a major policy revision affecting the use of millions of acres of National Forest. Congress is responsible to the electorate and the Forest Service is not. This policy should be one for which elected officials are responsible.



July 11, 2000

CAET RECEIVED

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

CAET RECEIVED
JUL 14 2000

Dear Sirs:

The issue of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (EIS) was discussed by the Calaveras County Board of Supervisors during their regular meeting yesterday, July 10, 2000. After much consideration, it was decided that Calaveras County would like to submit the following comments regarding this project:

"It is the position of the Calaveras County Board of Supervisors that the Forest Service should withdraw the draft EIS and reissue a revised draft EIS developed under a collaborative process. Absent that, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process."

Thank you for the opportunity to participate in this process.

Sincerely,
Lucille Thein
LUCILLE THEIN
Vice-Chair

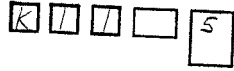
cc: RCRC

Sincerely,

Rich F. Escamilla
Vice Chairman

JFH:mp

c: Regional Council of Rural Counties (RCRC)



2893

CENTRAL SIERRA PLANNING COUNCIL
CENTRAL SIERRA ECONOMIC DEVELOPMENT DISTRICT

Counties of: Alpine, Amador, Calaveras, Tuolumne
Cities of: Amador City, Angels, Ione, Jackson,
Plymouth, Sonora, Sutter Creek

53 West Bradford Avenue, Suite 200
Sonora, California 95370
TEL: (209) 532-8768 • FAX: (209) 532-7599

June 12, 2000

USDA Forest Service - CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

At its Governing Board meeting of June 7, 2000, Board members of the Central Sierra Planning Council, the Central Sierra Economic Development District, and the Central Sierra Resource Conservation and Development Area Council, by consensus, agreed to support "**Alternative 1 - No Action; No Prohibitions**" contained in the Draft Environmental Impact Statement (DEIS) for the Forest Service Roadless Area Conservation proposal.

In addition, the Governing Board finds the "**Proposed Rule - Special Areas; Roadless Area Conservation**", to be unnecessary for the National Forests within the four-County Central Sierra area.

The Central Sierra area is composed of four Counties (Alpine, Amador, Calaveras and Tuolumne) and seven Cities (Amador City, Angels, Ione, Jackson, Plymouth, Sutter Creek, and Sonora) which are located in the central portion of the Sierra Nevada mountain range. Parts of three National Forests are located within the four-County area (Eldorado, Humboldt-Toiyabe, and Stanislaus National Forests). The local four-County economy is strongly influenced by actions taken by the Federal government on adjacent forest service lands. The following items are noted in support of the Governing Board's actions at the June 7th Board meeting.

The Proposed Rule *may* have adverse consequences for the local four-County area economy due to the reductions in:

- potential timber harvest,
- future timber related employment,
- payments to States (and Counties) from timber receipts,
- developed recreation opportunities, and,
- future mineral exploration and development.

(Note: These potential reductions are described in the DEIS for the Forest Service Roadless Area Conservation proposal.)

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JUN 15 2000

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has been noted that a Forest Service spokesman for Region 5 stated,

" 'Four or five years ago, the (California) regional forester told supervisors to avoid roadless areas in the future', consequently, 'the central Sierra Nevada appears to be largely unaffected' by the new proposal." (The Sacramento Bee, May 10, 2000).

That being the case, the Proposed Rule appears to represent a level of regulation which is not needed for the three National Forests in our four-County area.

The current "Land and Resource Management Plans" for the Central Sierra area National Forests should be the mechanism to address road issues in roadless areas of those forests rather than a Proposed Rule which includes the entire United States.

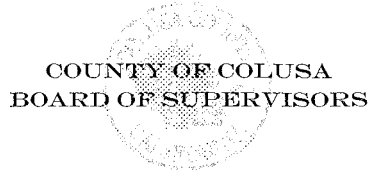
Sincerely,

Larry Busby
Executive Director

cc: Central Sierra Governing Board Members

CHRISTY SCOFIELD, DISTRICT ONE
E. DOUGLAS WHITE, DISTRICT TWO
JERRY L. MALTBY, DISTRICT THREE
WILLIAM R. WAITE, DISTRICT FOUR
DAVID G. WOMBLE, DISTRICT FIVE

BOARD CHAMBERS
COUNTY COURTHOUSE
546 JAY STREET
COLUSA, CALIFORNIA 95932

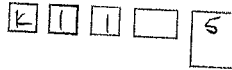


17259
KATHLEEN MORAN, COUNTY CLERK
(530) 458-0500

NANCY NEWLIN
CHIEF CLERK TO THE BOARD
(530) 458-0508

MARIA PEREZ-MENDIOLA, CLERK TO THE BOARD
(530) 458-0509
FAX: (530) 458-0510

July 14, 2000



U. S. Forest Service - C.A.E.T.
P. O. Box 221090
Salt Lake City, Utah 84122

Re: Roadless Area Conservation

FILE RECEIVED
JUN 17 2000

Gentlemen:

The Colusa County Board of Supervisors is opposed to the Roadless Area Conservation Proposed Rule. This rule is a blatant violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also violates the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

Without roads, forest health treatments will be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that, after all these years of putting out forest fires, we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the catastrophic losses we have witnessed in the last few fire seasons?

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The Colusa County Board of Supervisors urges that you adopt a "No Action" alternative. This would allow for the established, and legal, forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

Doug White
Doug White, Chairman
Colusa County Board of Supervisors

- c: Congressman Doug Ose
- Senator Barbara Boxer
- Senator Dianne Feinstein
- Senator Maurice Johannessen
- Assemblyman Dick Dickerson
- Steven Szalay, CSAC Executive Director
- Wes Lujan, RCRC Legislative Advocate

County of El Dorado

BOARD OF SUPERVISORS

18630

18630

WILLIAM S. BRADLEY.....DISTRICT I
RAYMOND J. NUTTING.....DISTRICT II
J. MARK NIELSEN.....DISTRICT III
PENNY HUMPHREYS.....DISTRICT IV
DAVID A. SOLARO.....DISTRICT V

330 Fair Lane • Placerville, CA 95667
Telephone (530) 621-5390
Fax No. (530) 295-2552
Fax No. (530) 622-3645

DIXIE L. FOOTE.....CLERK OF THE BOARD
July 7, 2000



CAET RECEIVED

JUL 10 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

The purpose of this letter is to show support of the Regional Council of Rural Counties recommendations relative to the Forest Service Roadless Area Conservation Draft Environmental Impact Report. I will be bringing this issue before the Board of Supervisor's at their regularly scheduled meeting to be held on the July 25th meeting in El Dorado County.

1. The Forest Service should withdraw the draft EIS and reissue a revised draft EIS developed under a collaborative process. The roadless area protection initiative and subsequent draft EIS was developed from a proposal by the Heritage Forest Campaign, The Wilderness Society, Natural Resource Defense Council, Earth Justice Legal Defense Council, Earth Justice Legal Defense Fund, the Audubon Society, and the Sierra Club. Other interested parties of opposing views were not involved. Yet this administration has been a strong advocate for the collaborative process. The Roadless Area Conservation Draft Environmental Impact Statement is a significant policy decision warranting the collaborative process. Alternatively, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process.

2. Maintain access for forest health purposes. The Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An Additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed for short-term hopes of natural areas. Appropriate protection strategies can best be developed at the local level through a collaborative process void of artificial constraints.

3. Maintain the purpose and intent of the forest plans. Forest plans were developed following years of public involvement. Promises were made and expectations established that would provide a balance of environmental and

economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

4. Recognize and maintain access where access currently exists. Many areas qualifying under the proposed roadless area policy are no longer roadless. Roads were constructed in conformance with an appropriate NEPA document, generally an EIS. Proposals to nullify those NEPA decisions should be individually and explicitly studied at the local level. Overriding a long established forest condition with a general NEPA document at a national level fails to consider the original purposes for providing access to the former roadless areas.

Please consider these points when making a decision relative to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. I feel their inclusion in a decision imperative.

Respectfully submitted,

[Handwritten signature of Raymond J. Nutting]

Raymond Nutting
District 2 Supervisor, El Dorado County

cc: RCRC (Regional Council of Rural Counties)



13971
Judith G. Case, Chairman
 Supervisor, District 4
 Board of Supervisors



July 13, 2000

USDA Forest Service – CAET
 PO Box 221090
 Salt Lake City, UT 84122

FAX (877) 703-2494

Attn: Roadless Area Proposal

CAET RECEIVED
 JUL 17 2000

To Whom It May Concern:

SUBJECT: Proposed Roadless Areas Conservation Strategy and DEIS

The Fresno County Board of Supervisors would like to offer our comments on the proposed Roadless Area Conservation rule and Draft Environmental Impact Statement for Forest Service lands, currently under review.

Our Board's larger concerns with the proposed Roadless Area rule are incremental removal of public lands from the public's use and benefit. A large portion of Fresno County is federal land within the Sierra and Sequoia National Forests. These areas are an important part of our County, and their use, or limitations on their use, can have major impacts on the economy and quality of life for residents for Fresno County and surrounding rural counties. We support a balanced use of the forest that will provide for long-term health and sustainability of resources, water quality, public recreational and economic use, and habitat.

The inventoried roadless areas in the Sierra and Sequoia National Forests are currently being managed under approved federal and regional Forest plans, which were developed over time in California with extensive public participation. Decisions made at a federal level may not adequately recognize the diversity of local and regional conditions, and result in decisions which may not be in the best interest of long-term management of the individual forests.

We would urge that the final rule not impose further top-down restrictions on forest management, and respect local forest management decisions in keeping with the multi-use mission of the Forest Service.

Our Board is also concerned with a public process that does not allow adequate time for a thorough review of the issues, and an evaluation process that may not adequately consider or respect local input. This is evinced by language in the DEIS that appears to disparage those employed in the wood products industry, and by a process that allows for an administrative decision on the final rule rather than a deliberative action through the representative legislative body.

July 13, 2000
 Page two

We therefore urge you to extend the comment period to allow for a thorough public dialog on the Roadless Area Rule. Our further recommendation would be a reconsideration of the need for further rulemaking which creates a single, restrictive management approach for inventoried roadless areas where such areas are appropriately and actively managed under local and regional forest plans.

We appreciate your consideration of our comments. If you have any questions, or need additional information, please call Lynn Gorman of our Planning & Resource Management staff at (559) 262-4091.

Sincerely Yours,

Judith G. Case
 Judith Case, Chairman
 Fresno County Board of Supervisors

C: Board of Supervisors
 Lynn Gorman, Planning & Resource Management Dept.

LHG:p&rm/transprog/7/13/00
 ws059:roadless 2-2000.doc

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GLENN COUNTY BOARD OF SUPERVISORS
Glenn County Board of Equalization
Air Pollution Control District

July 6, 2000
USDA Forest Service-CAET
Roadless Area Conservation DEIS
Page 2

26054

Facsimile Transmission
(887) 703-2494

July 6, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

CAET RECEIVED
JUL 13 2000

SUBJECT: ROADLESS AREA CONSERVATION DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Glenn County Board of Supervisors recommends the following inclusions in the Roadless Area Conservation Draft Environmental Impact Statement.

The roadless area protection initiative and subsequent draft EIS was developed from a proposal by the Heritage Forest Campaign, The Wilderness Society, Natural Resource Defense Council, Earth Justice Legal Defense Fund, the Audubon Society, and the Sierra Club. Other interested parties of opposing views were not involved. Yet this Administration has been a strong advocate for the collaborative process. The Roadless Area Conservation Draft Environmental Impact Statement is a significant policy decision warranting the collaborative process. Alternatively, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process.

The Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed for short-term hopes of natural areas. Appropriate protection strategies can best be developed at the local level through a collaborative process void of artificial constraints.

Forest plans were developed following years of public involvement. Promises were made and expectations established that provide a balance of environmental and economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

Many areas qualifying under the proposed roadless area policy are no longer roadless. Roads were constructed in conformance with an appropriate NEPA document, generally and EIS. Proposals to nullify those NEPA decisions should be individually and explicitly studied at the local level. Overriding a long established forest condition with a general NEPA document at a national level fails to consider the original purposes for providing access to the former roadless areas.

Thank you for the opportunity to comment.

Sincerely,

GLENN COUNTY BOARD OF SUPERVISORS

Gary Freeman, Chairman

cc: Regional Council of Rural Counties
Mendocino National Forest

Board of Supervisors, Courthouse 526 West Sycamore Street P. O. Box 391 Willows, CA 95988
(530) 934-6400 Fax (530) 934-6419
e-mail: gcboard@glenncounty.net web site: glenncountygovmt.net

Board of Supervisors, Courthouse 526 West Sycamore Street P. O. Box 391 Willows, CA 95988
(530) 934-6400 Fax (530) 934-6419
e-mail: gcboard@glenncounty.net web site: glenncountygovmt.net



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
ADMINISTRATION 445-7491 NATURAL RESOURCES 445-7741
BUSINESS 445-7452 PARKS 445-7652
ENGINEERING 445-7493 ROADS & EQUIPMENT MAINT. 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
REAL PROPERTY SERVICES 445-7205

December 14, 1999

USDA Forest Service-CAET
Attn: Roadless Area NOI
P.O. Box 221090
Salt Lake City, Utah 84122

RE: Comments on Roadless Areas Initiative

Dear Members of the Content Analysis Enterprise Team:

Thank you for the opportunity to comment on how President Clinton's roadless areas initiative will be analyzed in your Draft Environmental Impact Statement (DEIS). We support the protection of wilderness values by taking action to limit the activities allowed in remaining roadless areas within the National Forest System.

Roadless areas provide biological diversity, wildlife habitat, clean water, and scenic beauty. In addition, these areas provide places for scientific research and wilderness recreational opportunities. These ecological and public benefits should be protected by prohibiting the implementation of all activities that do not contribute to maintaining or enhancing ecological values in the remaining unroaded portions of inventoried Forest Service roadless areas.

We support the development of a guide (part two of the DEIS) that would help land managers determine what activities are consistent with maintaining or enhancing ecological values. It is also important to establish criteria by which areas can be prioritized for protection or considered for exemption.

Building new roads into roadless areas and maintaining them is expensive. The Forest Service already has insufficient funds for maintaining its existing road system, and new construction would only add to the financial burden. Road construction increases the risk of erosion, landslides, and increased sedimentation into waterways, impacting the entire watershed. New roads also increase the threat of invasion by non-native pest species into native communities, and can cause fragmentation of critical habitat or the interruption of migration routes. For these

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reasons, we support measures to prohibit new road construction and road reconstruction in Forest Service roadless areas.

We appreciate the opportunity to comment at this stage in the scoping process. We look forward to reviewing your DEIS in Spring 2000.

Very truly yours,

Donald C. Tuttle
Deputy Director of Public Works-General Services

f:\...veicher\roadless.wpd.12-14-99



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
839-6401



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DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
ADMINISTRATION 446-7491 NATURAL RESOURCES 446-7741
BUSINESS 446-7652 PARKS 446-7651
ENGINEERING 446-7377 ROADS & EQUIPMENT MAINT. 446-7421
ARCHITECT 446-7493

CLARK COMPLEX
HARRIS & H ST., EUREKA
LAND USE 446-7206

July 6, 2000

Mike Dombeck
Chief USDA Forest Service-CATE
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

RAFT RECEIVED
JUL 10 2000

RE: Comments on Draft EIS for Roadless Area Conservation Proposed Rule

Dear Mr. Dombeck:

Thank you for providing an opportunity for us to comment on the adequacy of the Draft EIS released in May 2000. As noted in our previous letter dated December 14, 1999 to the Members of the Content Analysis Enterprise Team, we support protection of wilderness values in remaining roadless areas within the National Forest system.

Our Natural Resources Division of the Department of Public Works reviewed the Draft EIS and believe it is complete, adequate, and complies with NEPA. Their analysis is attached.

Of interest to us here in Humboldt County, California, of the 174,000 acres identified as roadless areas in the Six River National Forest, 62,000 acres were prescribed to allow road construction and reconstruction. Under the proposed rule, this acreage would no longer be open to road construction and reconstruction.

We further noted the Draft EIS identified an average annual plan to offer a 1.55 MMBF of timber within the inventoried roadless area in the Six River National Forest. This would result in a predicted loss of between two and five jobs associated with timber harvesting. As your team is aware, this area has been hit heavily economically through the loss of several jobs following designation of Spotted Owl and Marbled Murrelet critical habitats. As a result, various small communities have lost the ability to adjust to additional impacts, particularly in the so-called "back country".

In conclusion, we believe the Draft EIS adequately describes the proposed rule and its potential effects on the environment and local economy.

Very Truly Yours,

Donald C. Tuttle
Donald C. Tuttle
Deputy Director, General Services

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**IMPACTS ON HUMBOLDT COUNTY, CALIFORNIA OF
U.S. FOREST SERVICE ROADLESS AREA
CONSERVATION PROPOSED RULE**

Submitted by: Ann Glubczynski
July 3, 2000

INTRODUCTION

On May 11, 2000 the U.S. Forest Service published a Draft Environmental Impact Statement (DEIS) on a proposed rule regarding roadless area conservation. These regulations would protect certain roadless areas in national forests from new road construction and reconstruction. The DEIS addresses four (4) alternatives, including a no-action alternative. The preferred alternative is "Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas" (DEIS Vol. 1, pg. S-7). This alternative does not prohibit timber harvest. Two other alternatives prohibit road construction and reconstruction and restrict timber harvesting. Written comments on the DEIS must be received by the U.S. Forest Service by July 17, 2000.

ROADLESS INVENTORIED AREAS

Roadless inventoried areas were identified by the U.S. Forest Service using land and resource management plans and the 1979 Roadless Area Review and Evaluation (RARE II) inventory. The inventoried roadless areas fall into two groups based on forest management plans: areas on which road building is not allowed, and areas where road building is allowed. Also, since inventories were taken, some road building has occurred in previously roadless areas. The DEIS did not adjust for the road building that occurred, but addresses the areas as originally inventoried (DEIS Vol. 1, pgs. S-35, 1-4).

IMPACTS ON SIX RIVERS NATIONAL FOREST IN HUMBOLDT COUNTY

Of the 989,000 acres in the Six Rivers National Forest, 174,000 acres have been identified as roadless area. 112,000 acres are currently allocated to a prescription that does not allow road construction and reconstruction. 62,000 acres are prescribed to allow road construction and reconstruction (DEIS Vol. 1, pg. B-8). If the proposed rule is adopted, the 62,000 acres would no longer be open to road construction and reconstruction. Portions of these acres are located at the eastern edge of Humboldt County. One area is immediately south of Highway 96 near the town of Orleans, a second area is very small and is between Highway 299 and Highway 36, and a third area is north of Highway 36 (DEIS Vol. 2, pg. 42, attached).

Ecologic Factors

Positive impacts of the proposed rule have been identified as enhancement and maintenance of ecological values and wilderness recreational opportunities (December 14, 1999 letter, attached).

Negative impacts identified in the DEIS involve reduced ability to carry out fuel treatments to reduce the threats of catastrophic wildfire, fire suppression, and insect and disease control (DEIS Vol. 1, pg. S-36).

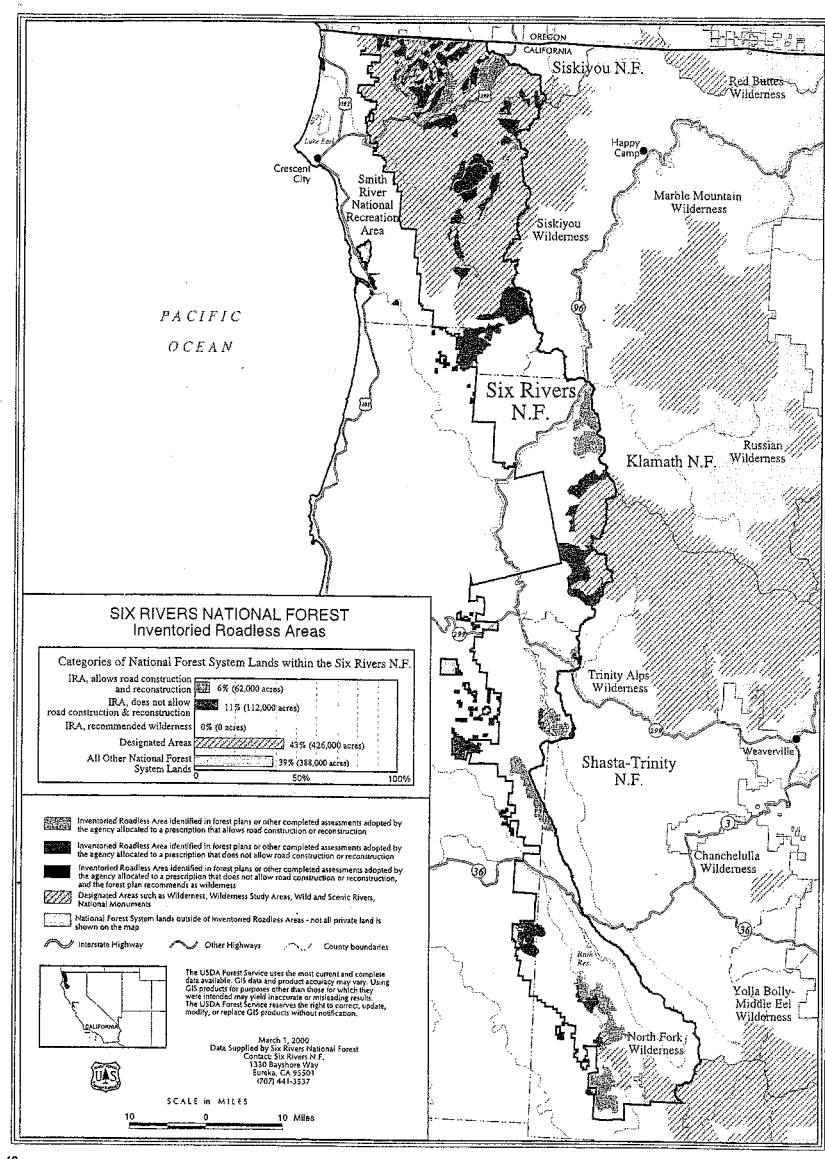
Human Factors

The DEIS identifies an average annual planned offer of 1.55 MMBF of timber in inventoried roadless areas in the Six Rivers National Forest. This is 8% of the total average annual volume offered by Six Rivers (DEIS Vol. 1, pg. 3-213). Implementation of the proposed rule (preferred alternative) would affect the community of Willow Creek, California, with a loss of 2-5 jobs directly associated with timber harvest. The DEIS has determined Humboldt County to not be economically resilient to this loss. This means that based on the county's rural nature, small population, and lack of economic diversity, its ability to adjust to this impact is relatively poor (DEIS Vol. 1, pg. 3-219).

The proposed rule (preferred alternative) should have no affect on existing motorized recreation opportunities. The DEIS does acknowledge the possibility that some non-recreational special uses such as transmission and communication lines, oil and gas pipelines, and public and private roads (which may have built since the inventories were completed) may not be authorized unless the use could occur without road access. Valid existing rights and highway rights-of-way (under R.S. 2477) would be accommodated (DEIS Vol. 1, pg. S-38).

Social and Economic Factors

The DEIS focus regarding social and economic factors is directed toward the forest stakeholders whose livelihoods and recreational pursuits are most closely tied to the national forest. Beside the potential reduction in timber harvesting/processing jobs from possible reduced timber volume available for harvesting, some road construction and mineral/gravel extraction jobs may be affected. Less timber harvesting and lower mineral/gravel extraction revenues may mean reduced payments to states and counties. Reduced road construction and reconstruction would limit the miles of roads competing for limited road maintenance funding. Livestock grazing allotments would probably not be affected. The current level of motorized recreation would not be affected. Wildland and high quality wilderness-type hunting and fishing opportunities would be maintained (DEIS Vol. 1, pgs. S-39, 40, 42).



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I A M C A T O M L

Inyo And Mono Counties And Town Of Mammoth Lakes

July 11, 2000

USDA Forest Service – CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Although the opportunity to comment on the Forest Service Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (EIS) is appreciated, we urge the Forest Service to withdraw the Draft EIS and reissue a revised proposed rule developed through a much more open and collaborative process. The following summarizes the concerns of Inyo County, Mono County and the Town of Mammoth Lakes, which are the Eastern Sierra local governments containing federal forest lands impacted by the proposed rule.

I. Lack of Collaboration
National Forest Management Act (NFMA) guidelines and other policies of the Forest Service favor a collaborative process in rulemaking (i.e. the Forest Service shall collaborate to the maximum extent feasible...). The failure of the Forest Service to use a collaborative process with respect to the proposed rule and Draft EIS is contrary the Service's own recognition of the value and importance of local involvement in decisions affecting federal lands.

In the Eastern Sierra, tribal governments, and local, regional, state and federal agencies have formed Collaborative Planning Teams (CPT) to facilitate such collaborative processes. The Inyo CPT includes the Inyo National Forest, and the Toiyabe and Inyo National Forests are both members of the Mono County CPT. Included in the Memorandum of Understanding establishing our Collaborative Planning Teams are directives to collaborate in responding to planning efforts such as the proposed rule that have the potential to affect or direct actions of our member agencies. We request that our collaborative teams be given an opportunity for genuine participation in this significant policy decision under a collaborative process initiated through the issuance of a revised rule and draft EIS. The no action

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alternative (Alternative 1) should be selected and a new planning effort using a collaborative process should be commenced.

2. Forest Health Considerations

Eastern Sierra forests have a very high fire hazard rating, and the Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed. Appropriate protection strategies can best be developed at the local level through a collaborative process void of arbitrary constraints.

3. Local Forest & General Plan Consistency

Forest Plans were developed following years of public involvement. Promises were made and expectations established that provide a balance of environmental and economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

The local forest plans in Mono and Inyo counties include consideration of local general plans. These plans were not consulted in the development of the roadless rule proposal. As an example, it appears that the proposed rule would preclude development of the Sherwin Bowl Ski Area, which is a major development component of the Town of Mammoth Lakes General Plan. It also appears that the proposed rule would preclude expansion of the June Mountain Ski Area, which is contrary to the June Lake Area Plan of Mono County. Again, the proposed rule lacks the collaborative involvement at the local level necessary to account for local plans and circumstances.

4. Clarification of Roadless Rules and Maps

Certain provisions and maps of the proposed rule are vague and require clarification. As an example, it is unclear in the definitions of road maintenance and road reconstruction if a road significantly damaged by a natural hazard such as an avalanche may be fully restored. Based upon the proposed rule's definitions, it appears that only minor restoration may be permitted. The permissible activities allowed that are greater than "minor restoration" yet less than "reconstruction" should be clarified.

In addition, the maps are at an insufficient scale to accurately assess the impacts of the proposed rule -- additional maps and definitions contained in local forest plans must be consulted. It is unreasonable to expect the commenting public to obtain multiple documents and conduct the extensive research necessary to adequately comment on the proposed rule. The Code

of Federal Regulations (40 CFR 1502.8) 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. The maps and definitions should be expanded and clarified in a revised proposed rule.


5. Cumulative Impact of Federal Initiatives

The cumulative impact of the proposed roadless rule, together with a number of other Forest Service proposals impacting our local forests, has not been sufficiently addressed. The Road Maintenance Policy, the Sierra Nevada Framework, the Roadless Initiative, regional wilderness plans, and other federal plans, policies, and rules will all have a yet to be determined cumulative impact on our local forests. As requested, a new collaborative process would provide both the time and coordination needed to accurately assess cumulative impacts.

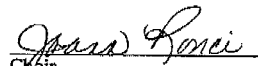
On a related matter, it is extremely difficult for small local governments with limited staff resources to respond to these numerous federal proposals in a meaningful way. As an example, Inyo and Mono Counties must consult with two national forests and their forest plans to comprehend the local impacts of the proposed Roadless Rule. This process is also necessary for the Sierra Nevada Framework and other such proposals impacting the region. This gives little time to consult with our local communities and determine potential community impacts. Again, given the numerous Forest Service proposals being issued at this time, more time is needed for effective local involvement.

Your consideration of these comments and the request to reissue the proposed rule and EIS is appreciated. Our agencies stand ready to participate in an active collaborative process to refine roadless policy direction.

Sincerely:


Chair

Inyo County Board of Supervisors


Chair

Mono County Board of Supervisors

Nathan S. Cage
Mayor
Town of Mammoth Lakes

cc Regional Council of Rural Counties

17280



COUNTY OF LAKE
BOARD OF SUPERVISORS
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
TELEPHONE: (707) 263-2368
FAX: (707) 263-2207

13978

ED ROBEY
District 1
JEFF SMITH
District 2
GARY L. LEWIS
District 3
KARAN MACKEY
District 4
D.W. MERRIMAN
District 5

July 11, 2000

RECEIVED
JUL 17 2000

To: USDA Forest Service-CAET

From: Lake County Board of Supervisors

Subject: Roadless Area Conservation Draft Environmental Impact Statement

At the regular meeting of the held on July 11, 2000, the Lake County Board of Supervisors voted to recommend the following with regard to the Roadless Area Conservation Draft Environmental Impact Statement (EIS):

1. The Forest Service should withdraw the Draft EIS and reissue a draft EIS developed under a collaborative process. It is our Board's understanding that the Draft EIS was developed by several interested groups and that the process did not involve opposing views. For this reason, we recommend the no action alternative and a new collaborative planning process.
2. The Forest Service should maintain access for forest health purposes. Many roadless areas have been identified as at risk from fires, insects, and diseases. Other areas may become high-risk areas in the future. A collaborative process would help to insure development of appropriate protection strategies.
3. The Forest Service should maintain the purpose and intent of the forest plans. Changes to forest plans should not be made without first seeking to maintain environmental and economic balance.
4. The Forest Services should recognize and maintain access where access currently exists. Many areas qualifying under the proposed roadless area policy are no longer roadless. A national document should take local needs and conditions into consideration.

Lake County is a Home Rule county.

Thank you for your consideration of these recommendations.

Sincerely,

D.W. Merriman
D. W. Merriman, Chair

BOS:bw

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

17267
County of Lassen



Board of Supervisors

District 1
ROBERT F. PYLE
District 2
JIM CHAPMAN
District 3
LLOYD I. KEEFER
District 4
BRIAN D. DAHLE
District 5
EVERD A. MCCAIN

WILLIAM D. BIXBY, Administrative Officer
County Administration Center
221 South Hoop Street, Suite 4
Susanville, CA 96130
☎ (530) 251-8333
FAX: (530) 257-4888

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USDA Forest Service – CAET
Roadless Area Proposed Rule
July 11, 2000 (#000707A.LIK)
Page 2

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July 11, 2000
(#000707A.LIK)

USDA Forest Service – CAET
PO Box 221090
Salt Lake City UT 84122

Attn: Roadless Area Proposed Rule.

To Whom It Concerns:

The Lassen County Board of Supervisors earnestly requests that the Forest Service withdraw the draft Environmental Impact Statement (EIS) that has been prepared. We feel that this plan was developed using very narrow input from so called "environmental" groups. It is apparent that other groups and stakeholders were shut out of the process. This is not the collaborative process advocated by this administration. We ask that you reissue a revised draft EIS developed through the collaborative process or choose Alternative 1, the no action alternative, and commence a new planning process.

We believe that access must be maintained for forest health purposes. The draft EIS acknowledges that 66 million acres of timber are at risk from catastrophic fires and an additional 58 million acres are at risk from insects and disease. Many of these acres are within the identified roadless areas. Appropriate protection strategies need to be worked out with local stakeholders.

We ask that you maintain the purpose and intent of the Forest Plans. These plans were made after years of public involvement and each was fashioned to meet local conditions. Promises were made and expectations established that provide a balance of environmental and economic considerations. A nationwide NEPA document should not be used to do away with the unique challenges faced by each local forest.

And, finally, we ask that you maintain the access that already exists. Many of the proposed roadless areas are, in fact, not roadless. Roads were constructed in conformance with the appropriate NEPA documents. As stated above, we do not believe that a blanket national NEPA document should be adopted which makes no allowance for unique local conditions.

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JUL 17 2000

Sincerely,

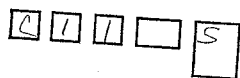
LLOYD I. KEEFER, Chairman
Board of Supervisors

LIK:vel

Cc: Honorable Dianne Feinstein, US Senator
Honorable Barbara Boxer, US Senator
Honorable Wally Herger, US Congressman
Marcia Basque, Executive Director, Regional Council of Rural Counties



LEROY D. BACA, SHERIFF



JUN 2 RECD

NFS

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



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Chief Dombeck

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May 24, 2000

May 24, 2000

Michael Dombeck, Chief
United States Forest Service
Post Office Box 96090
Washington, D.C. 20090

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DEPUTY CHIEF NFS

REC'D FOREST SERVICE
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CHIEF'S OFFICE
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Dear Chief Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official representing nearly 10 million residents, I well understand the critical importance of maintaining intact and undamaged wilderness areas.

The residents I represent place a high premium on these natural, wild areas as places of recreation and spiritual renewal. Millions of Americans from every part of the country visit national forests annually for these purposes.

The public is rightfully concerned about continued road building, logging, mining, and other destructive practices in our remaining forests. California is fortunate to be home to some of the nation's most impressive national forests. From Klammath National Forest to the Angeles National Forest, our national forests account for 25 percent of national forest recreation nationwide.

Our national forests are home to unique and often rare species of birds, animals, and vegetation. Prehistoric and culturally important sites, as well as ecologically sensitive areas are found throughout California's national forests.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80 percent of the nation's water supply emanates in our national forests, with roadless areas providing the purest of that water. These un-logged and roadless areas also protect private property from landslides and flood damage.

A Tradition of Service

Protecting our environment is sound economic policy. Roadless areas provide important economic opportunities, including sightseeing, camping, hiking, and other tourist-related activities that help local residents and businesses, as well as non-resource extraction business opportunities. In 2000, the projected economic impact of recreation in the national forests will be \$110 billion in contrast to the \$3.5 billion from logging. Protecting these areas will generate more public benefit and wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy to protect all roadless areas, 1,000 acres and larger, in all national forests. Further, I urge you to support and enact policies to protect these areas from logging, mining, commodity development, and other destructive practices. The public needs and deserves the establishment of a responsible and tough forest protection policy.

Sincerely,

Leroy D. Baca
LEROY D. BACA
SHERIFF

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



July 12, 2000



USDA Forest Service-CAET
Post Office box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Re: Failure to Receive "Forest Service Roadless Area Conservation Draft Environmental Impact Statement"

Dear Forest Service:

This is to advise you that Mariposa County did not receive a copy of the "Forest Service Roadless Area Conservation Draft Environmental Impact Statement" even though Mariposa County is on record requesting the United States Forest Service to provide to the County any and all documents which could in any way affect Mariposa County's interest by Forest Service actions or proposed actions.

It is the County's position that the Forest Service is statutorily obligated to provide such information to local governments upon request. We are extremely distressed to find out that a Draft Environmental Impact Statement has been not only prepared but that final comments are due on July 17, 2000.

Thank you for your courtesy and cooperation regarding this matter.

Very truly yours,

[Handwritten signature of Garry R. Parker]

Garry R. Parker, Chairman
Mariposa County Board of Supervisors

rs

cc: Patti A. Reilly, District I Supervisor
Doug Balmain, District II Supervisor
Robert C. Stewart, District III Supervisor
Bob Pickard, District V Supervisor
Jeffrey G. Green, County Counsel

13969
County Administrative Officer
MARGIE WILLIAMS
Clerk of the Board
P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252
FAX (209) 966-5147

July 2, 2000

CAET RECEIVED
JUL 17 2000

USDA Forest Service - CAET
Attention: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

Subject: Mariposa County Sierra and Stanislaus Forest

Dear Forest Service:

We are sending this letter to comment on the Roadless Area Conservation Proposed Rule for the Mariposa County Sierra and Stanislaus Forest.

First, we do not need new rules for the roadless area. Current rules are satisfactory.

We are opposed to the new rules as proposed. They will limit or eliminate public access to public land. The proposed rules will restrict access for fire suppression, medical personnel, search and rescue and law enforcement.

The "roadless" areas contain roads used for recreation, provide access to private land, and allow for timber harvest and grazing activities. Each of these uses are valuable to and greatly affect the livelihood and recreation of Mariposa County residents.

This proposal will essentially create wilderness areas without the input of Congress or local communities.

We would appreciate your considering our concerns.

Sincerely,

[Handwritten signature of Emmett Phillips]
Emmett Phillips
President

EP:bc



MARIPOSA COUNTY
FISH AND GAME PROTECTIVE ASSN.
P. O. Box 1042 5056 Darrah Road
Mariposa, California 95338

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Emmett Phillips, President

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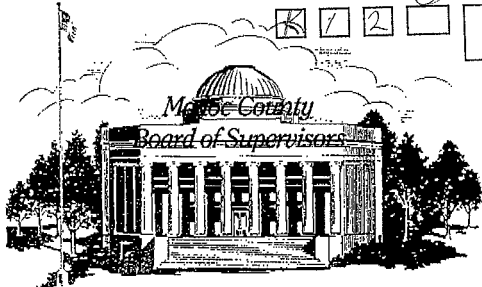
TERRY WILLIAMS
1st District

JOE COLT
2nd District

PATRICIA CANTRELL
3rd District

NON McINTYRE
4th District

NANCY L. HUFFMAN
5th District



MAXINE MADISON
County Clerk
and
Clerk of the
BOARD OF SUPERVISORS

Box 130
ALTURAS, CALIFORNIA 95101
(925) 233-6201

July 10, 2000

USDA Forest Service - CAET
P.O. Box 221090
ATTN: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

FAX: 877-703-2494

RE: Comments
USDA Forest Service's Roadless Area Draft Environmental Impact Statement and Proposed Rule

The Modoc County Board of Supervisors (County) follows U.S. Forest Service (Service) planning closely. Modoc County is over seventy percent government owned and Service decisions can have great impacts on our citizens' ability to earn a living and recreate.

Modoc County is a "planning county" in that the County adopted the "Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Modoc County" under 16 U.S.C. Section 1604, 36CFR Section 219.7 and other statutes. The Service has failed to meet their responsibilities for coordination with Modoc County throughout this planning effort. Specifically 36 CFR Section 219.7 (a) obligates the Service to coordinate the Roadless Initiative with Modoc County's afore mentioned "Comprehensive Land Use Plan." The Service has failed to do this. Additionally 36 CFR, Section 219.7 (d) requires the Service to meet with Modoc County to establish a process for coordination prior to the Services' selection of a preferred alternative. This too the Service has failed to do. The County urges a timely response to these unaddressed obligations. With that in mind the County offers the following comments.

General Comments

The County believes the Roadless DEIS and proposed rule should be withdrawn until the proposed Planning Rule is completed. The Rule is the primary proposal which could affect how all planning is conducted and should be completed first.

The County believes this is a solution in search of a problem. The potential restrictions on activities, on both the inventoried and uninventoried roadless areas, could render much of the Service's non-wilderness acreage off limits to multiple use. There has been no science presented indicating that resource values in these areas are at risk, only the President directive of October 13, 1999

Can the Service objectively do a National Environmental Policy Act (NEPA) analysis when Alternative 1 is in conflict with the President's order? Clearly, by saying "to develop and propose regulations"....., current management is not acceptable.

The Service's presentation of this planning effort has been very misleading for several reasons.

1) The Service clearly wants the public to believe that both the inventoried and uninventoried areas have no roads or travel ways, thus creating an un-realistic portrayal of what this land looks like.

2) The power point briefing presentation included majestic areas that most likely would never be entered and showed no views of what many "roadless" areas look like; ordinary landscape interlaced with roads and travel ways.

3) The Service presents the perspective that the resource values of these areas are at risk. Without this effort water quality, wildlife and other values would be damaged. While that may be true in some cases, many roaded areas provide these same resource values as well.

This effort represents one more top down management proposal. Not all inventoried roadless areas require additional restrictions for protection. The previous roadless planning efforts have already placed additional protection on these lands. Locally on the Modoc National Forest, the Long/Damon Fire in 1996, burned mostly in an inventoried roadless area. Although released the Service was required to develop an Environmental Impact Statement instead of an Environmental Assessment in order to do salvage.

This kind of "cookie cutter" management is poor resource planning. Currently any project planned for a roadless area must undergo an extensive analysis. The benefits of a plan are weighed against the draw backs in an NEPA document with broad public review (at least until the proposed planning regulations are adopted) to determine the outcome. This way all resource values are considered before decisions are made instead of having a one size fits all predetermined outcome. Decisions made at the site specific level are best for the public and the environment.

The Service's current road budget woes have no place in this planning discussion. A lack of road maintenance money is not a reason to place millions of acres off limits for multiple use. The budget is a separate issue to be discussed elsewhere.

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The same is true of potential environmental damage caused by roads. That is a discussion for the NEPA analysis at the project level. The potential harm of a road compared to the benefits that may exist from the existence of the road should be decided site specifically.

Specific Comments

Alternative 1

The County supports Alternative 1, the No Action, No prohibition alternative. Inventoried Roadless Areas are as varied as other areas of the National Forests. There are majestic mountain vistas, barren juniper covered plateaus and productive timberlands. What they have in common is the need to be managed at the site specific level. The project level NEPA analysis is where decisions, including road construction, need to be made. This alternative allows the decision officer the opportunity to weigh all options, not just those existing within the artificial sideboards created by the other alternatives.

Alternative 2

The County opposes this alternative. There is no justification for a blanket prohibition of road construction and re-construction. There may be areas where new roads are inappropriate and the required NEPA analysis can determine this. While this alternative could be modified to require a more detailed analysis for projects in roadless areas, current regulations already mandate this. This alternative does not apply to roaded portions of Inventoried Roadless Areas. This exclusion should also apply to areas containing non-classified roads that are used for managing the forest.

The adoption of this alternative would be harmful to forest health. The DEIS acknowledges that management of the forest would be negative impacted. Treatment of fuel loads, insects and disease infestations, habitat enhancement and any other task requiring new or reconstructed roads would be made more difficult or impossible. This document does not adequately address the increased likelihood of wildfire resulting from decreased fuel treatment.

Alternative 3 and 4

The County opposes both these alternatives. In addition to the reasons stated under Alternative 2, they would effectively render these areas quasi-wilderness. Multiple use would then not occur in over half of the National Forest land. Under these two alternatives both the economy and ecology of the forest would suffer.

Procedural Alternative A

The County supports this alternative. Many uninventoried roadless areas possess few or no roadless characteristics because they are criss-crossed with unclassified roads. Forest plan revisions and the NEPA analysis are where consideration for all resource values, including those unique to the roadless condition, should be evaluated.

Procedural Alternatives B, C, D

The County opposes these alternatives because they use a top down approach to resource management and add additional procedures which are not necessary. Current analysis procedures provide local managers with all the necessary discretion to protect ecological values.

In conclusion, the County supports the No-Action alternative in the DEIS and requests that the proposed rule be withdrawn. Because this process could impact over half of the Service's non wilderness acres and the problems associated with making the Roadless Initiative DEIS available to the public, the County also urges the comment deadline be extended.

Sincerely,



NANCY J. HUFFMAN
Chairperson

MODOC COUNTY

K 1 1 5

Fish, Game and Recreation Commission 16100

P.O. Box 131
Alturas, California 96101

MAY 1, 2000

MODOC NATIONAL FOREST —

OUR COMMISSION WOULD LIKE TO GO ON RECORD AS OPPOSING THE CLOSURE OF ALL THE ROADS IN THE MODOC NATIONAL FOREST SHOWN IN GRAY ON YOUR ROADS MAP. THESE ROADS ARE USED BY HUNTERS, RANCHERS AND WOOD CUTTERS. THEY ARE ALSO GREAT ACCESS FOR WILD FIRE SUPPRESSION. WE ALSO OPPOSE CLOSING THE TWO MAIN ROADS SHOWN IN RED GOING THROUGH THE DAWON BUTTE ROADLESS AREA. THEY ARE THE ONLY ACCESS FOR DEER HUNTING IN THAT PROPOSED ROADLESS AREA.

CAFT RECEIVED
JUL 17 2000

Respectfully,
Wayne Wood
Commissioner

[grey roads = unclassified roads
red roads = classified roads]

forward to:
forward to:

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BOARD OF SUPERVISORS

FRANCES J. ROUDEBUSH, DISTRICT 1
ROBERT A. MEACHER, DISTRICT 2
WILLIAM N. DENNISON, DISTRICT 3
PHILLIP A. BRESCIANI, DISTRICT 4
DONALD C. CLARK, DISTRICT 5

July 11, 2000



USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

CAFT RECEIVED
JUL 17 2000

Chief Mike Dombek:

Plumas County has over 80% of its area in national forests. We have seen the deterioration of large portions of these forest stands and the resultant loss of thousands of acres of valuable watersheds, recreation areas, wildlife habitat and potential timber products to catastrophic wildfires. We have watched our Forest Receipts dwindle from a high of almost \$9 million dollars annually to under \$600,000 because of a drastic change in Forest Service policies and can show you the social and financial impacts on our county schools, roads and communities.

Plumas County is the home of the Quincy Library Group, which took the advice of President Clinton during the 1992 Portland Summit and developed a local solution that would protect our ecosystem and provide commodities for our nation. The result was the Herger-Feinstein Quincy Library Group Bill that passed the House by an unprecedented 429-1. We are still awaiting implementation of this Pilot Project.

The Plumas County Board of Supervisors has been involved in national forest issues for years and has earned the reputation of working cooperatively with local agencies and maintaining a positive leadership in all natural resource issues.

With this background, we understand as much about the Roadless Area Review DEIS as any interested local government group. Our thorough review indicates that the proposal is poorly conceived, badly presented and is destined to provide many more problems than it is designed to solve. The public has been provided a DEIS that provides no substantive differences between Alternatives 2-4 as noted in Table S-1, pages S-18-23.

For those reasons and more, which are delineated in the pages that follow, Plumas County can not accept any alternative in the proposed DEIS, except Alternative 1; no action. Each "Roadless Area" should be evaluated during the land management planning process and we are requesting that the DEIS be withdrawn at this time.

16184

Must Review Impacts of All Current Forest Initiatives and Policies

The Roadless Area Proposed Rule DEIS can't be adequately addressed without first elaborating on the fact that this document merely serves to further confound the national forest review process that has been initiated by the Clinton Administration over the Forest Service signature. This is not a "stand-alone" document. The Roadless Area policy must not be completed until the impacts are weighed on all of the other forest initiatives before us.

During the past 18 months, the American public has been asked to review and comment on thousands of pages of documents that have been prepared over the past 3 years or more. This has included:

219 Forest Management Planning Regulations, which will drive all of the other initiatives. It also changes Forest Service policy and some existing laws. Comment period was closed on this document before discussions were completed on the other initiatives.

National Forest System Road Management and Transportation System Rulemaking will provide new definitions for "roads", determine which roads are deemed "necessary" and set a completely new road policy for our national forests. This over-lapped the comment period of the Strategic Planning review.

Strategic Planning (2000 Revision) Released on December 1, 1999 and comment period ended January 30, 2000. This also redefines the Forest Service mission without congressional consent.

The Sierra Nevada Forest Plan Amendment (Framework) This document promises to present some of the same rhetoric, but even more of a dilemma. The scientific data in the document points to the fact that there is a need to thin our forest stands and maintain our roads if our national forests are to regain the health standard and fire protection that is needed. Yet, it appears that the final solutions in the two preferred alternatives have been swayed toward preservation (very limited management) of our forests under the guise of "uncertainties" that must be studied further. We are currently preparing comments on this three-volume document.

The National Wildlands Fire Policy as proposed by Secretary of Interior Babbitt, Secretary of Agriculture Glickman and EPA Director Browner in 1997 has been the center of attention for some of us. We had been attempting to discourage the adoption of this proposal, because it placed emphasis on prescribed burning without first thinning the over-stocked forest stands. This has finally become recognized as a poorly conceived policy, but only since the Lewiston, California fire and Los Alamos fire destroyed many homes and millions of dollars of private property.

Presidential Executive Orders have also been a distraction from the Forest Service request for "meaningful public input..." People have become angered by this unprecedented manner of setting aside large areas of federal land in National Monuments. Good examples of poor decisions can be found in the Escalante National Monument in Utah and the Redwood Grove National Monument in California. People wasted valuable time and money on public comment when the decision, as noted by George Frampton, representing the President on the latter monument, had already been made.

16184

"Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy"

is another document that we have felt compelled to review in order to fully understand the implications of the varied forest initiatives and changing federal policies. As you know, this "Cohesive Strategy" was the Forest Service response to the General Accounting Office Report that concluded "...the most extensive and serious problem related to the health of national forests in the interior West is the over-accumulation of vegetation."

The Forest Service "Cohesive Strategy" avows that there is a need to treat 3 million acres per year. Yet, the end results of the forest initiatives noted above are counter to this goal. In fact, the Roadless Area proposal will stop the use of mechanical thinning in over 60 million acres of federal lands and submit these areas to the very dangers to which Forest Service seems to recognize as poor policy under their "Cohesive Strategy". As an example, we refer you to the first page of text (page 7) of the "Cohesive Strategy", which shows a photograph and states the following: "This photograph illustrates how a treated forest—the green strip running toward the crest of the ridge in the photo's center—can survive a severe wildfire. It shows the differences in *resilience* between treated and untreated forests. The untreated forest—the blackened areas located on either side of this green strip—burned in the Wenatchee National Forest's 1994 Tye Fire."

"In this example, treatment was in the form of a "shaded fuel break" (the photo's green strip) established several years before. Shaded fuel breaks were located in tactically important areas to provide firefighters an anchor from which to safely fight fires."

There is more stated about these good forest management practices that are very similar to that proposed in the Quincy Library Group Pilot Project. The caption ends with: "The cohesive strategy described in this report attempts to achieve improved resilience---as illustrated in the Tye Fire photo. The strategy reduces fuel loadings in fire-prone forests to protect people and sustain resources."

We agree and submit this as one of the many reasons that the Presidents proposal to "preserve" roadless areas in the western states falls short of an acceptable policy.

All of these forest initiatives should be held in abeyance until the impacts can be determined by the agency, Administration and Congress and understood by the public.

In addition, we wish to submit the following specific comments regarding the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement:

Environmental Groups Developed The Proposals

In an unprecedented violation of FACA, as documented in Senate Hearings, the Administration met with leaders of major environmental groups without invitation to others and developed the Roadless Area Rule Proposals. The rules are by Environmentalists and for Environmentalists, who have only one agenda---lock up the national forests. The inclusion of this 50 million acres, when combined with their other victories of Wilderness designations and National Monuments will set-aside almost 50% of our federal lands to single-use---not the multiple use envisioned by Gifford Pinchot.

16184

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Decision Is Made By President Clinton—not the public:

Based on the recommendations from Environmental groups, President Clinton has already told the U.S. Forest Service what to do with the Roadless Areas that were designated as such under RARE II and has given very simplistic reasons that are in error:

On October 13, 1999, Clinton said, "Specifically, I direct 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." His reason—"these areas represent some of the last, best, unprotected wildland anywhere in our nation. They offer unparalleled opportunities for hikers, hunters, and anglers. They're absolutely critical to the survival of many endangered species."

That is not true. If roads are not permitted in the 50 million acres, they will have very little use by anyone. More important, this proposal side-steps the Forest Service "Cohesive Strategy", that states the best way to protect the areas from catastrophic wildfires and thus protect the "endangered species" is to thin the vegetation that the GAO has pin-pointed as the main threat to our national forest health. This can't be efficiently accomplished without a road system. It must also be remembered that you disallowed the use of an alternative that would allow full consideration of road construction in forest planning for all roadless areas, "...because it did not meet the intent of Presidential direction and need to protect and conserve inventoried roadless areas". Doesn't this mean that the President has directed the results before the NEPA process is completed?

"President" Gore Has Promised "...no road building, and no timber sales..."

Neither the Forest Service, nor the public is in control of this process. President Clinton took the advice from a self-interest group. He told you to implement the plan after an abbreviated public comment period. Now, Mr. Gore is quoted in the New Your Times as indicating that if he is elected as President--Public comment, be damned!

"If I am entrusted with the Presidency, it will be a national priority to preserve these roadless areas as they are, no ifs, ands, or buts about it." "No more destructive development and exploitation." "And just so I'm crystal clear about it, no new road building, and no timber sales in the roadless areas of our national forests. Period."

With thousands of miles of roads being eliminated under the new National Forest Road Management and Transportation System rules, the Vice President's attitude may be applied to thousands of acres of newly created Roadless Areas.

Alternatives and Explanations are Disingenuous**1) No Distinct Difference Between Alternatives**

Except for Alternative 1, No Action, there is not a distinct difference between alternatives. Review of S-1 on pages S-18 through S-23 shows that the results from Alternatives 2, 3 and 4 are about the same.

4

2) The Whole Story Is Not Revealed

a) Not all facts released--The public is not told that Alternatives 2, 3 and 4 greatly increase the threat of catastrophic wildfires and subsequent loss of watershed resources, wildlife habitat and increased air quality deterioration. The potential of forest health problems from insect and disease is not discussed. The fact that elimination of roads is counter to USFS philosophy of national forest multiple use is not mentioned. These same tables on page S-20, under Inventoried Roadless Areas At Risk From Catastrophic Fires, masks the problem by noting that "Inventoried roadless areas would receive a low priority for fuels treatment unless there was an imminent threat to public safety, or private property." The message is that resource values are low—it is O.K. if they burn.

b) Coherent Strategy Is Not Apparent--Your overview discusses the changes in Roads Management and Planning Rules, as compared to the Roadless Area review. You state that these are "...three separate and distinct F.S. initiatives that together form a coherent strategy for dealing with vital conservation issues." This is not a true statement. They are distinctly different initiatives, but they are not coherent and the cumulative impacts can not be determined at this time. That fact has been covered way back on page S-45, which states, "As these public rulemakings proceed, the agency may choose to integrate and clarify certain provisions within each rule to insure consistency, clarity and effectiveness." How will the public be able to keep up with and comment on these changes, since the public comment period has already closed on the first two initiatives?

Section 6 of RPA requires one integrated Forest Management Plan. Forest Service must meet the requirements of that law.

c) Cumulative Impacts Recognized, But Not Revealed—It is stated on page S-46, "The Forest Service recognizes that this proposed roadless area rule together with these other proposed rules might have a cumulative impact in final form." However, you fail to even speculate on what impacts there might be and who would be the recipients of the negative social and financial impacts. In summary, the disclosures are very limited and shallow.

Page A-17 notes that, "The agency has conducted a cost-benefit analysis on the impact of this proposed rulemaking. "Few of the benefits and costs associated with the proposed rule were quantifiable, and therefore, many of the costs and benefits are described qualitatively." How can you then state authoritatively that, "Although the analysis does not provide a quantitative measure of net benefits, the agency believes the benefits of the rule, as proposed, would outweigh the costs." The statement that "Local level analysis cannot easily incorporate the economic effects associated with nationally significant issues." tells the true story that the local social and economic impacts have been given very little consideration.

d) Total Acreage Of Proposal Is Greater Than Stated Up Front—Through the document, the figure of 51 million acres of roadless area is used. However, on page A-20 the impact is more apparent. "The procedural provisions would be applied to the 54 million acres of roadless areas, as well as up to 95 million acres of other National Forest System lands."

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e) Consultation and Coordination Is Misstated—On page S-47 it is stated, “The Forest Service also consulted with states, tribes and local governments.” We would have expected this to occur under the Forest and Rangeland Resources Planning Act (RPA), however no one from Forest Service consulted with Plumas County Board of Supervisors, except to tell us of the Public Meetings.

f) Roadless Areas Will Not Permit Multiple Use—Page A-6 states, “This rulemaking is not an effort to expand the National Wilderness Preservation System. The Forest Service will continue managing inventoried roadless area and other unroaded areas within the multiple-use framework required by law.” This deserves more explanation.

g) Authority Under Act of 1897 Is A Stretch—You state that “This proposed rule is within the scope of the Secretary of Agriculture’s authority, as granted by the Organic Administration Act of 1897, “.to regulate the occupancy and use and to preserve the forests thereon from destruction.” Who in the world manipulated that phrase to permanently remove 50 million acres or more from multiple-use?

Forest Service has a Land Management process that is well established and designed to make coherent decisions on how lands are to be managed. The reason for such a process was to assure that one self-interest group, or the Secretary of Agriculture would make such rash decisions as proposed by this edict. This immediate call to action insinuates that other uses, such as road construction and removal of trees to minimize catastrophic wildfires is “destruction”.

h) Change Of Roadless Area Definition Is Without Merit—The original RARE II inventoried Roadless Areas were based on a minimum of 5,000 contiguous acres. To change this to any size dependent upon the eyes of the beholder will make room for all kinds of self-interest mischief and lawsuits. The potential amoeba shaped areas that can be drawn will make timber harvesting impossible in many areas that have already been under management. Removal of roads and road segments, under the new Forest Transportation Rules will increase the roadless areas substantially. This is the type of cumulative impact that is not being considered by Forest Service and a major reason for not implementing these initiatives without further review. This process has already begun on some forests by the removal of road signs that will thus reduce the classified road to an unclassified road.

j) Major Issues Neglect Forest Health—Page S-5 outlines six “.issues related to this proposal...”. Forest scientists and the GAO have affirmed that our national forests are experiencing the poorest health crises in their history with over 65 million acres (one third of our National Forest System) at risk to catastrophic wildfires, insect and disease. It is fact that the national forests are growing 600% more wood than is being removed. Why wasn’t Forest Health and Protection included?

k) All Roadless Areas Are Not Roadless—The original criteria used to identify and inventory roadless areas in forest planning (Forest Service Handbook 1909.17, chapter 7, allowed the presence of certain types of classified roads, as long as the area, otherwise met certain minimum criteria. This was done at the request of environmental groups, so that more acres could be set-aside in 1972. If it was appropriate then, why not permit new roads in ‘roadless areas’ now?

16184

l) The Use Of Foregone Litigation Costs As Benefits Is Nonsensical—Page A-19 states in part, “Implementing the rule, as proposed could result in agency cost savings.” “First, local appeals and litigation about some management activities in roadless areas could be reduced, which would avoid future costs.” This sounds as if the agency has given in too blackmail by the Environmental groups. Was this part of the deal that was worked out behind closed doors? If the agency caves-in to their request—certainly there is no need for lawsuits, but what has been gained?

m) “Speculative” Analyses Is Used When Beneficial To Agency Goal—It is stated on page A-20 that “Since individual project proposals and local roadless characteristics are highly variable, estimating associated benefits and costs of implementing procedures would be speculative.” However, A-21 speculates that:

Air quality, air quality will be improved—but does not discuss the fact that this is untrue if the areas are destroyed by wildfire.

There will be a larger land base for dispersed recreation activities in remote settings—but does not evaluate the impact on the hundreds of thousands senior citizens and handicapped persons that will not be able to use these areas because there are no roads.

Quality of fishing and hunting maintained at higher level for recreation, commercial and subsistence users—but fails to note that this will provide special areas for a very few people. There is no discussion of the numbers of people that will benefit from these roadless areas.

Forage quality for livestock grazing and some non-timber forest products maintained at higher level due to smaller probability of introduction of non-native invasive species—but do not relate the fact that environmentalists are attempting to prohibit the use of federal land for grazing. The ranchers will feel their sting next.

n) The \$8.4 billion road maintenance and reconstruction backlog estimate needs review—This assumption becomes important, because this has been used in justifying the Road Transportation Policy changes and the Roadless Area Rule. We can not verify that adequate data has been obtained from district and forest levels to substantiate this figure. Frankly, costs presented of over \$21,000 per mile appear out-of-line. Each road must be analyzed. It is inappropriate to use average costs. Some will not require any maintenance and if unused, in many areas will quickly overgrown by vegetation. No “decommissioning” is required either.

All of the above determinations are based on “Qualitative Discussion” and are permitted to outweigh the real costs and impacts to families, communities and counties that are noted at the bottom of the chart. We believe that Forest Service can do better if they take the time to do so.

Condescending Attitude Is Incorrect and Improper—Chapter 3 of this proposal is incorrect and improper. Further, it sets the stage for this advocacy document, when it can be shown that people don’t matter. As example, it is stated that, “Logging and lumber millwork are not an inter-generational way of life for all participants in the wood products industry.” Today, this is true, because of the uncertainties posed by Forest Service policy. There are still many who would gladly make the wood products industry their livelihood if they could depend on a timber supply. It has become difficult to hire skilled people because of these uncertainties. In addition,

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Loggers are required to finance increasingly expensive and specialized equipment to meet Forest Service policy and timber sale contracts while the volume of available timber diminishes.

Another statement in the document is that, "Even reasonably prosperous rural communities are having high seasonal unemployment, high rates of population turnover, high divorce rates and poor housing, social services and community infrastructures." "Moreover, timber industry jobs are dangerous, having high injury and mortality rates." In fact, employment in the Armed Forces faces the same dilemma. Should they also be eliminated?

It goes on to state: "For these people, what is at stake is not a traditional life style and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them." This is not a true statement, but it possibly makes it easier for bureaucrats to sit in Washington D.C. and not believe that Forest Service policies do touch real, hard working people. Plumas County Supervisor, Bill Dennison was raised in the forest products industry. He has noted that it was a community of proud people who believed that they had a very important part to play in our nation. During World War II, loggers and millworkers were issued deferment from service because their jobs were vital to our nations defense. Someday, they may be needed again, but they will not be available, because the federal government has declared their work destructive and their lifestyle "untraditional". What ever you do with the forest initiatives, remove these false premises and insults about woods and mill workers as a beneficial reason for implementing bad policy.

Draft EIS Is Deficient, Legally And Factually

We submit that the Draft EIS is deficient, legally and factually for the very reasons submitted by the retired Forest Service employees in the FSX Club of Washington D.C.:

- Failure to abide by the Forest and Rangelands Renewable Resources Planning Act (RPA) requiring coordination with state and local governments. **Plumas County Board of Supervisors respectfully request that this step be taken before implementation of the Roadless Review Rules are adopted.**
- Failure to include an adequate range of alternatives. The public should have been given alternatives to include some areas and not others. It makes no sense to ask them to choose the same formula for all 50 million acres.
- A complete lack of site specific analysis of individual roadless areas
Failure to provide even the most basic information on such matters as the location of threatened and endangered species, the amount and location of commercial and non-commercial timber volumes and the current recreational use of roadless areas. The forest maps provided to the public are of such scale as to offer little assistance. Since there is no opportunity to offer suggestions on specific areas, there is no reason to use them anyway.
- The document is blatantly slanted to the point that it is an advocacy document. This is contrary to CEQ's regulations that an Environmental Impact Statement must "...succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration". (40 CFR 1502.15)

The FSX Club makes a significant observation in the way data has been withheld, manipulated and abused, in stating: "For us, who have participated in environmental analysis within the agency in the past, this kind of 'cooking the books' implies a fundamental departure from the integrity that characterized the Forest Service as we knew it."

Centralized Planning And The Removal Of Science From Decision Making—is a title plagiarized from comments submitted by the 14,000 Forest Service employees who are members of **National Federation of Federal Employees—Forest Service Council**.

The letter states, "We employees are skeptical of Washington bureaucrats' attitude that they know what is best for the rest of us. We are concerned that the Roadless Area initiative is not being processed as prescribed in the National Forest Management Act (NFMA) or the Wilderness Act. Many of the National Forests are in the process of revising their Forest Plans. This latest initiative has brought local Forest planning teams to a grinding halt." "NFMA planning is based on the premise that decision making for local areas should be made with site-specific, scientific analysis for that particular area. But the Roadless Area Initiative is a "one plan fits all" prescription and lumps 54 million acres together that are obviously quite different, both in physical aspects and in social/cultural dimensions."

"This initiative has totally bypassed scientific analysis. Forest Service employees find it ironic the Committee of Scientists just finished making their recommendations, and new planning regulations are out for public comment. Suddenly, out of the blue, the Roadless Area Initiative comes from Washington, negating the hard work that has gone into the Forest Planning process (as ponderous and bureaucratic as it is)"

The letter goes on to note that while the field work force continues to be cut, the Washington Office budget has increased from \$121 million to \$302 million since 1991. While 5,000 jobs have been eliminated at the Forest and District level, there has been an increase of 150% employees in the Washington office. In covering the impact on timber production, the employees note, "If cutting back or eliminating timber production is what the Administration is really trying to achieve, it should be honest about its intentions, and that should be the focus of this debate"

Region 2 Forest Service Employees Speak Out

You have received a letter from concerned Forest Service employees who "...do not advocate any particular course of action, or any particular alternative." However, these succinct comments, "...do address areas of potential confusion, or expected difficulty in implementation of the rule and perceived weakness in the analysis document. To summarize a few of their comments:

- The RARE II inventory has errors that could be corrected based on current forest data. "The statement in the Summary, p.35, 'The Forest Service used the most recent inventory available....' is not correct." They were told earlier that their new data would be used. However, now that public comment has been completed, they have been advised that "...the analysis team had changed its mind and has decided not to use the updated information and maps."
- "The RARE II maps themselves are not particularly accurate." In fact, on the Medicine Bow, "...the coverage is extremely inaccurate."
- "In any case, while we agree that RARE II received a 'public review' we wonder about the applicability of a review that is 21 years old can still be considered current for decision-making purposes."

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- d) "There is confusion about where the Transportation Policy and Roadless Area Conservation decision overlap."
- e) "The rule is unclear about how the forests are to address suitable acres and ASQ."
- f) The Vice President's announcement regarding his position on timber harvest in these areas has raised "...an issue of credibility ... at several of our public meetings." The perception is that the decisions have already been made.
- g) "The FEIS needs to explain, or respond to the Governor's/Western Governor Association request for cooperating agency status...", since it was denied.
- h) "We believe that the range of alternatives could be improved by the addition of an alternative considered in detail which looks at management (and potential need for roading) of high risk fire and insect areas and areas needing treatment for TES species."
- i) "The agency needs to identify and quantify the unroaded portions of inventoried roadless areas. This has not been done in the DEIS and the public and decision maker cannot determine the extent of the effects unless the areas affected are identified."
- j) "The analysis needs to verify and document the '\$8 million dollar road backlog'. How was this figure determined?"
- k) "'Due to a number of reasons, which we will elaborate, this document appears to be more of a public relations document than a public disclosure document.'" "This is puzzling...an alternative does not have to be overwhelmingly beneficial to be selected." "In short, because of a number of subtle and less subtle analysis and documentation problems, this document appears biased."
- l) "...a decision to ban road construction in roadless areas necessitates a Forest Plan amendment (on some forests) to adjust ASQ." (Allowable Sale Program)
- As you know, the letter pinpoints many examples of bias that are the responsibility of the Washington Office.
- This group of employees has dared to question authority, because of they believe that the Forest Service integrity is worthy of defense.
- Plumas County applauds them and suggests that you listen closely to your employees and consider the admonition by the employees union that "Politics Makes Poor Policy" in regard to the Roadless Area Initiative, or any other initiative that is presented as "scientifically based".

Forest Planning Process Is Circumvented

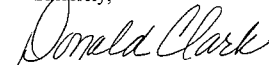
There is a Forest Planning Process in place. It should be used, rather than make a decision by the stroke of a pen, based on poor data and "qualitative data" that replaces substantiated facts. Local level forest planning has always been used in the past to develop forest plan decisions, because the local people are most knowledgeable about the national forest lands. This is what is being stated by Senator Larry Craig, Congressman Wally Herger, the FSX Club, Forest Service employees, local citizens and others who are taking the time to review the Roadless Area Rule Proposal in context with the myriad of other Forest Service/Administration initiatives.

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Summary and Conclusion

In summary, Plumas County can find very little to be said in favor of this proposal. We know that the Forest Service can and must do better. We respectfully request that Forest Service withdraw the Roadless Area draft EIS until such time that all of the impacts from the Forest Planning Regulations, Forest Transportation System regulation changes and this proposal can be determined and explained to Congress and the American people.

Sincerely,

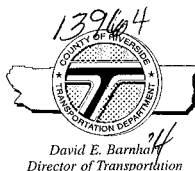


Donald Clark
Chairman of the Plumas County
Board of Supervisors

Cc: US Senator, Dianne Feinstein
Congressman Wally Herger
Senator Tim Leslie
Assemblyman Sam Aanestad



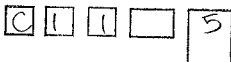
COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY
Transportation Department



13964

July 12, 2000

USDA Forest Service - CAET
P.O. Box 221090
Salt Lake City, UT 84112



CAET RECEIVED
JUL 17 2000

Attention: Roadless Area Proposed Rule

RE: Southern California Forests - Proposed Roadless Rule

This is in response to the Proposed Roadless Rule for National Forests. Please be advised that Riverside County is currently involved in a comprehensive planning program known as the Riverside County Integrated Project (RCIP). This project combines the elements of land use planning with multi-species habitat conservation and transportation planning and project development on a countywide basis. The results of the RCIP will provide a vision and guide for development of Riverside County through the year 2020, including a new County General Plan, adoption and Tier 1 environmental clearance for new transportation corridors, and adoption of a Multi-Species Habitat Conservation Plan.

One of the primary transportation corridors under consideration for the transportation component of the RCIP is a new Riverside County to Orange County connection. Any such connection would affect the Cleveland National Forest, as the Forest is located along the entire length of the border between these counties. At present, the only significant transportation corridor linking these two counties is State Route 91, located near the northerly edge of the Cleveland National Forest. While we are yet in the process of identifying alignment alternatives, preliminary discussions with local Forest Service staff suggests that a realignment of existing State Route 74, potentially with some tunneling, might prove to be more acceptable than other alternatives.

No decision has been reached with respect to this corridor proposal. Any number of alternative alignments covering the entire boundary between the two counties are still under consideration. Additionally, we recognize the need to coordinate our planning efforts with the upcoming update of the Forest Management Plan. However, we would like to confirm that realignment of State Route 74, perhaps a significant realignment, as well as other reasonable and prudent alternative alignments would still be considered by the Forest Service in light of the Proposed Roadless Rule. It appears that the entire area

northerly of existing State Route 74 is being proposed as a roadless area. Any number of alternative alignments would potentially affect portions of this area. As the planning and consensus building for this corridor continues, we fully intend to involve the Forest Service in the process.

Another area of concern is Bautista Canyon Road in the San Bernardino National Forest. The County Transportation Department, in conjunction with the Forest Service is undertaking a project to pave and realign, consistent with traffic safety needs, the segment of this road within the National Forest that is currently a County Maintained dirt road. The environmental phase of this project is just getting underway, but it already appears likely that some realignment of the existing road will be needed in order to comply with design safety standards. Again our concern would be that Proposed Roadless Rule not preclude such realignment.

Finally, we would like to conclude by noting that it is our understanding that the Proposed Roadless Rule originated as a result of Forest Service concern over the growing number of roads requiring Forest Service maintenance due the expansion of logging operations into previously roadless areas. As such, we would ask for exemption from this rule for roads maintained by others. Both of the facilities mentioned earlier in our letter would fall into this category. SR 74, or any new alternative, would be a State Highway maintained by Caltrans and Bautista Canyon Road is a County Maintained Road. In neither instance would the Forest Service be expected to have any maintenance responsibility.

Thank you for the opportunity to provide comments.

Sincerely,

David E. Barnhart
Director of Transportation

ES:es

- cc: Ann Fege, Forest Supervisor-Cleveland National Forest
- Clem Lagrosa, District Ranger-Trabuco District
- Gene Zimmerman, Forest Supervisor-San Bernardino National Forest
- Mike Florey, Forest Engineer-San Bernardino National Forest
- Richard Lashbrook, TLMA Director
- Aleta Laurence, Planning Director



SHASTA COUNTY BOARD OF SUPERVISORS

1815 Yuba Street, Suite 1
Redding, California 96001
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1
IRWIN FUST, DISTRICT 2
GLENN HAWES, DISTRICT 3
MOLLY WILSON, DISTRICT 4
PATRICIA A. "TRISH" CLARKE, DISTRICT 5

17253

July 13, 2000

U. S. Forest Service - C.A.E.T.
Department of Agriculture
P. O. Box 221090
Salt Lake City, Utah 84122

12 1 1 5

Subject: Proposed Rule: Roadless Area Conservation

PAID RECEIVED
JUL 17 2000

Gentlemen:

The Shasta County Board of Supervisors is opposed to the Roadless Area Conservation Proposed Rule and, in fact, the entire process of rule-making by the Executive Branch of Government. This rule is a blatant violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also violates the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

This appears to be just another attempt to further restrict logging in our National Forests. As an example, the annual growth on the Shasta-Trinity National Forest is approximately 400 million board feet. The timber sale projection for this year is 82 million board feet. This proposal would cut that small yield by an additional 5 to 10 percent.

Without roads, forest health treatments will be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that, after all these years of putting out forest fires, we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the catastrophic losses we have witnessed in the last few fire seasons?

The Shasta County Board of Supervisors urges that you adopt a "No Action" alternative. This would allow for the established (and legal) forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

Irwin Fust
IRWIN FUST, Chairman
Shasta County Board of Supervisors

- c: Assembly Member Dick Dickerson
- Congressman Wally Herger
- Senator Barbara Boxer
- Don Peterson, Legislative Advocate
- Senator K. Maurice Johannessen
- Senator Dianne Feinstein
- Steven Szalay, Executive Director, CSAC



SHASTA COUNTY BOARD OF SUPERVISORS

1815 Yuba Street, Suite 1
Redding, California 96001
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

PATRICIA A. "TRISH" CLARKE, DISTRICT 5

17260

U. S. Forest Service - C.A.E.T.
Department of Agriculture
P. O. Box 221090
Salt Lake City, Utah 84122

5 1 1 5

July 13, 2000

Subject: Proposed Rule: Roadless Area Conservation

PAID RECEIVED
JUL 17 2000

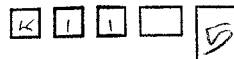
Gentlemen:

As Supervisor of District 5, Shasta County Board of Supervisors, I wish to go on record in strong opposition to the Roadless Area Conservation Proposed Rule in particular, and in general, the entire process of rule-making by the Executive Branch of Government. This rule is a distinct and deliberate violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also goes against the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

Shasta County contains a significant area of National Forest land. As I perceive this Roadless Rule, it is just one more attempt to further restrict logging in our area. For example, the annual growth of timber in the Shasta-Trinity National Forest is approximately 400 million board feet. The timber sale projection for the year 2000 is 82 million board feet. Approval of this Roadless Area Conservation Rule would cut that small yield by an additional 5 to 10 percent.

We must maintain access for forest health purposes. The Draft Environmental Impact Study acknowledges that 66 million acres of forest are at risk from catastrophic fires, and an additional 58 million acres at risk from insects and disease. Without roads, forest health treatments would be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that (after all these years of putting out forest fires) we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the disastrous losses we have witnessed in the last few fire seasons?

17260



13551

COUNTY OF SISKIYOU
Board of Supervisors

P.O. Box 338 • 311 Fourth Street
Yreka, California 96097

(530) 842-8081
FAX (530) 842-8093

U. S. Forest Service - C.A.E.T.
Re: Roadless Area Conservation Rule
July 13, 2000 - Page 2

The bottom line is that the adopted forest plans (the California Wilderness Act of 1984, the National Forest Management Act, and the Forest/Rangelands Renewable Resources Planning Act) were developed following years of public involvement. It is inappropriate for the Executive Branch of government to over-ride long-established forest conditions with a general "rule" at the Federal level, without individual and explicit studies at the local level.

It is vital that we keep our mutual goal in mind - environmental and economic balance. On behalf of the constituents in my district, I urge you to adopt a "No Action" alternative. This would allow for the established (and legal) forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

PATRICIA A. "Trish" CLARKE
Supervisor, District 5
COUNTY OF SHASTA

c: Assembly Member Dick Dickerson
Congressman Wally Herger
Senator Barbara Boxer
Don Peterson, Legislative Advocate

Senator K. Maurice Johannessen
Senator Dianne Feinstein
Steven Szalay, Executive Director, CSAC
Wesley Lujan, RCRC Legislative Advocate

file: ROADLESS/PAC/cbr

June 27, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Sir:

Subject: Comment On Draft Environmental Impact Statement (DEIS) and Proposed Rule
Regarding Roadless Area Conservation

The Board has the following comments.

A. There are still ambiguities and vague implications in the proposal:

1. a. Under par. 294.11 Definitions, how is the 50 inches of width in the definition of a "road" to be measured?
- b. How are there "inherent" characteristics of an "unroaded area" if there are non-classified roads on it?
2. The language under proposed par. 294.13 (a) does not appear gramatically correct and is not clear. How, for example, is soil a characteristic in itself? How can a "responsible official" evaluate just soil? Or "water", or "air"? What data and information will be needed in order to know, for example, the nature of "diversity of plant and animal communities"? And "habitat..."? And "landscape character and scenic integrity"? These "characteristics" also have to be evaluated for un-roaded areas that may have non-classified roads; how can this be understood by responsible officials and done in a reasonable manner? This language does not explain exactly what is to be evaluated in the consideration of quality and importance of these "characteristics". This language does not follow proper syntax and semantics; it is ambiguous, elusive, and impossible to accomplish with any degree of legal certainty.

CAET RECEIVED
JUL 03 2000

JOAN T. SMITH District 1	LA VADA ERICKSON District 2	BILL HOY District 3	JERRY GIARDINO District 4	KAY M. BRYAN District 5
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13551

3. How will special use permit renewal be handled on un-roaded lands (reference par. 294.14)?
- B. The rule as proposed contains the following violations of NEPA:
1. There is an absence of adequate, clear information and analysis in the DEIS needed to understand the "inherent characteristics associated with an area's un-roaded condition" where there are unclassified roads in that area. How do unclassified roads affect the "inherent condition"? There is no analysis. Yet areas with these unclassified roads are called un-roaded and are said to have certain values, while temporary roads which are also unclassified roads cannot be built. This inconsistency is illogical and unreasonable. If unclassified roads make no difference to the inherent characteristics of an area, then temporary roads should not either.
 2. There is an absence of adequate, clear information and analysis to guide responsible officials/"local managers" in their evaluation of the characteristics under par. 294.13 (a) (1) through (9).
 3. There is not a reasonable range of alternatives analyzed in the DEIS. There should be alternatives analyzed that allow the construction of temporary roads for appropriate activities under ecosystem management authorized in a national forest's Land Management Plan. The Preferred Alternative(s) in the final document with respect to Northwest Forest Plan (NWFP) Forests should be consistent with implementing the NWFP, which calls for a "balance" that is not yet attained. The Forest Service in the DEIS is prejudicial in stating that timber harvest is either a commodity purpose or stewardship purpose activity, pp. 3-11. Both purposes can be served together. Values in these roadless and unroaded areas could be at risk to catastrophic loss if they are "protected" under this proposal and not treated under ecosystem management. An area that is roadless is not automatically an area having characteristics that are within its range of natural variability. Just because no human activities have occurred in an area does not mean that it is unaffected by human activities. For example, fire suppression, by not allowing fire to have naturally occurred in the area, can cause an unnatural build-up of forest fuels. Water quantity, timing, and quality; diversity; recreational values; cultural values; and important habitat could all be at risk in an area supposedly "protected".
 4. The Preferred Alternatives may not be feasible. Will unroaded areas, that are to be protected, be patrolled by the Forest Service to make sure the remaining non-roads are not used? Or will access be blocked? In either case how much could this cost and how will this effort be funded?

JOAN T. SMITH LA VADA ERICKSON BILL HOY JERRY GIARDINO KAY M. BRYAN
 District 1 District 2 District 3 District 4 District 5

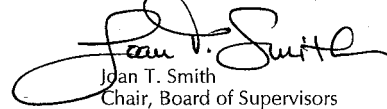
13551

5. A decision based upon this DEIS would be arbitrary and capricious due to the absence of adequate information, failure to consider all relevant factors, and the lack of adequate, clear, and reasonably thorough analysis

The theory behind roadless values may be sound, but there are serious problems in the practical implementation of this proposed rule. Many of these problems could be alleviated in our area if the Forest Service could return to a consistent and funded implementation of the NWFP.

Thank you for the opportunity to comment. We would appreciate your modifying your proposals to address our concerns.

Sincerely,



Joan T. Smith
 Chair, Board of Supervisors

JWD/lrf

cc: Senator Dianne Feinstein
 Senator Barbara Boxer
 Congressman Wally Herger

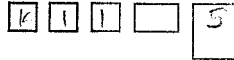
JOAN T. SMITH LA VADA ERICKSON BILL HOY JERRY GIARDINO KAY M. BRYAN
 District 1 District 2 District 3 District 4 District 5



13981
TRINITY COUNTY

BOARD OF SUPERVISORS
P.O. Drawer 1613 (530) 623-1217
WEAVERVILLE, CALIFORNIA 96093
Dero B. Forslund, Clerk
Jeannie Nix-Temple, County Administrative Officer

July 13, 2000



PAET RECEIVED
JUN 17 2000

USDA Forest Service – CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Chief Mike Dombeck:

Please find enclosed a copy of our testimony regarding roadless lands in the County of Trinity, State of California. We feel it is absolutely imperative that National Forest land use designations be made on a Forest by Forest basis as needed.

Sincerely,

Ralph Modine
Chairman

CHRIS ERIKSON
District 1

PAUL FACKRELL
District 2

RALPH MODINE
District 3

BERRY STEWART
District 4

ROBERT REISS
District 5



13981
TRINITY COUNTY

BOARD OF SUPERVISORS
P.O. Drawer 1613 (530) 623-1217
WEAVERVILLE, CALIFORNIA 96093
Dero B. Forslund, Clerk
Jeannie Nix-Temple, County Administrative Officer

ROADLESS AREA TESTIMONY

REDDING, CALIFORNIA
JUNE 28, 2000

My name is Ralph Modine and I live in Hayfork, California. I am Chairman of the Trinity County Board of Supervisors and here today representing the 13,500 people who reside in the County of Trinity, State of California.

Trinity County, along with California, is celebrating its 150th birthday this year. Trinity County has watched National Forest Administration since its birth and the creation of the Trinity National Forest in 1902. In 1955, the Trinity Forest was stripped of its local Supervisors' Office and combined, for administrative purposes, with the Shasta Forest in Shasta County. We believe that this discussion of forest roadless areas adds more credence to a reconsideration of that 1955 decision.

Twenty years ago, Trinity County assembled a committee chaired by our county District Attorney, to develop a county recommendation on the disposition of inventoried National Forest roadless lands within our county boundaries. The committee was made up of individuals from a broad philosophical and geographical cross-section of our county and included local industrial and environmental notables. After two years' work, community meetings and public hearings, Trinity County designated 500,000 acres of roadlessness for our county. This represented 25% of our entire landmass and one third of our National Forest lands. Trinity County was unique in this approach and was applauded by the State of California and in the Congress for both its product and process. In 1984, our county position was adopted into law. That position has not changed.

The near entirety of roadless lands within Trinity County under discussion today are forest plan designated Late Successional Reserves. These Reserves already anticipate no commercial logging or road building but management will be required to protect their health and integrity which is the primary goal of the Trinity Forest Plan. Any additional hindrance to that can only be detrimental.

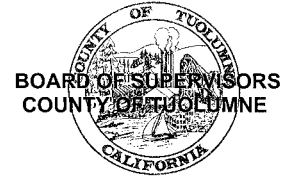
Trinity County, with the aid of its Natural Resource Advisory Committee, is developing a countywide fire management strategy with the goal of making our communities, and the forest around them, fire safe. All our local, state and national firefighters are participating. When the plan is finalized, we will expect to implement it across all Forest Plan land use designations.

13981

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370

Phone (209) 533-5521
Fax (209) 533-6549

Larry A. Rotelli, *First District*
Mark V. Thornton, *Fourth District*



Don Ratzlaff, *Second District*

Edna M. Bowcutt
Clerk of the Board
of Supervisors

43571

Linda R. Rojas
Assistant Clerk

Laurie Sylwester, *Third District*
Richard H. Pland, *Fifth District*

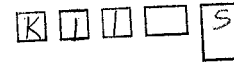
Trinity County understands that roadlessness is a necessary part of a broader landscape mosaic but in the Trinity Forest it is already an ample component.

It disappoints us to see federal forest administrators dancing to the chant of an ill-conceived urban mantra and would warn that environmental prudence, unfairly practiced, can become socio-economic genocide in forest dependent communities.

Trinity people believe the same Public Trust Administration that will require the restoration of the Trinity River, that has required that half of our county and 2/3 of National Forest lands be Wilderness or in some other reserved state, ALSO requires that THEY be provided with safety and sustenance from the forest around them.

Thank you.

July 10, 2000



USDA Forest Service - CAET
PO Box 221090
Salt Lake City, Utah 84122

CAET RECEIVE
JUL 14 2000

Attn: Roadless Areas Proposed Rule

Having been involved with Forest Management issues for well over four decades on both national forest and private lands, I offer the following personal comments on the proposed Roadless Area Rules.

The Draft EIS states that 66 million acres on the national forests are at risk from potentially catastrophic fires, along with another 58 million acres at risk from insects and disease. Much of this area is within the lands to be covered by the roadless rules, restricting future access. It appears that this area is virtually being written-off from any opportunity for protection and concern about forest health.

The process for development and consideration of the Roadless Area Rules has been flawed from the start. Apparently only the national environmental organizations were involved in the preparation of this initiative. Their agenda for restricting public use of the national forests is well known. Any effort of using a collaborative process involving parties of all views has been sadly missing. Either the Draft EIS should be withdrawn and a revision be made using a more open process, or Alternative #1 should be chosen (the **No Action** alternative).

Sincerely,

Richard H. Pland
District 5 Supervisor

JUL 14 2000

RESOURCE MANAGEMENT AGENCY county of ventura



17301
17301
Planning Division

Keith A. Turner
Director



PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic and Planning & Administration

MEMORANDUM
July 13, 2000

July 17, 2000

K. Good/R. Tobin
USDA/Los Padres National Forest

FAX #: (877) 703-2494

Subject: Roadless Area Conservation Proposal DEIS

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document.

Your proposed responses to these comments should be sent directly to the commentator, with a copy to Joseph Eisenhut, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Joseph Eisenhut at (805) 654-2464.

Sincerely,

Keith Turner

Keith Turner
County Planning Director

kvma\wpolwinward\te37-700

Attachment

County RMA Reference Number 00-058

TO: Resource Management Agency, Planning Division
Attention: Joseph Eisenhut

FROM: Nazir Lalani, Principal Engineer *NL*

SUBJECT: Review of Document 00-058
Draft Environmental Impact Statement
Roadless Area Conservation Proposal
Applicant: Los Padres National Forest
6755 Hollister Ave., Suite 150
Goleta, CA 93117

Lead Agency: USDA, Los Padres National Forest

The Transportation Department has reviewed the subject Draft Environmental Impact study for the Los Padres National Forest Roadless Area Conservation proposal. The United States Department of Agriculture (USDA) Forest Service is proposing to prohibit road construction and reconstruction in inventoried roadless areas within the NFS, unless for public health and safety. We offer the following comments:

1. The Transportation Department provides road maintenance for the following roads within the Los Padres National Forest:
 - Boy Scout Camp Road
 - Camino Cielo
 - Gridley Road
 - Lockwood Valley Road
 - Matilija Road North
2. These roads are not within the Los Padres National Forest but provide access to National or State Forest areas, as well as the primary means of access for local residents and businesses. These roads will need to be maintained and repaired/rehabilitated as necessary for public safety and necessary access:
 - Matilija Road South
 - Rice Road
 - Oso Road
 - Foothill Road, Ojai
 - Valley View Road
 - Santa Ana Road

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

- Avenal Road
- Koenigstein Road
- Goodenough Road
- Piru Canyon Road

3. The following roads provide access to the Santa Monica Mountains National Recreation Area from the Regional Road Network:

- Yerba Buena Road
- Potrero Road
- Pacific View Road
- Hidden Valley Road
- Carlisle Road
- Deer Creek Road

Any conditions which decrease the ability of the County to maintain these roads in a safe, useable condition would have an adverse impact on the physical and economic health of the region.

Please call me at 654-2080 if you have questions.

NL-RH-BE:aar

c: Rich Guske

Elpwatransportwpinvsmces00-058.doc



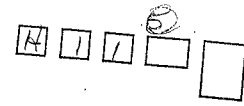
CITY OF BISHOP

P. O. Box 1236

377 West Line Street, Bishop, California 93514

City Hall (760) 873-5863 - FAX (760) 873-4873

July 17, 2000



USDA Forest Service-CAET
 P. O. Box 221090
 Attention: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

SENT VIA TELEFAX

To Whom It May Concern:

SUBJECT: COMMENTS ON NFS PROPOSED RULE

I am opposed to the Roadless Area Proposed Rule, as it gives no latitude for future roading needs that are at this date not identified.

Please consider the following points:

1. The Multiple-Use Sustained-Yield Act of 1960 and the National Forest Management Act of 1976 direct that "National Forest System lands are to be managed for a variety of uses of a multiple-use basis to provide a continued supply of products, services, and values without impairment of the productivity of the land". Management of resources must consider all uses, including future uses not identified at this time. Management designed to provide a continued supply of products, services, and values does not constitute closing more of the forest lands to the public, but rather to develop guidelines that allow a variety of uses balanced with no impairment to the productivity of the land.
2. The Rule provides that "at the national level, the rulemaking would apply to all National Forest System lands and would prohibit road construction in almost all inventoried roadless areas, with a few limited narrow exceptions". This minimizes local forest planning efforts and closes a door that will be almost impossible to open. Appendix A, Table 1, page A-4, indicates 33% of National Forest System Lands are now closed to roads. Roadless areas remain roadless due to difficulties in developing facilities and roads in rugged terrain, and due to high cost of development. When future technology provides opportunity, and future population requirements mitigate these circumstances, Forest Service lands must be open for future planning and options.

7-2000 10:46 FROM CITY OF BISHOP TO 18777032494 P.02 17294

4 1 3 [] 3

43976

USDA Forest Service -CAET
Page 2.
July 17, 2000



"Ray Waller"
<rwaller@sisqtel.net
>
07/16/00 03:21 PM

To: roadlessdeis@fs.fed.us
cc:
Subject: <no subject>

PROHIBITION ALTERNATIVES: I support Alternative 1 - No action/No Prohibition

PROCEDURAL ALTERNATIVES: I support Alternative D - Project-by-Project Analysis as
Transition to Forest Planning Process at Next Plan
Revision

Thank you for immediate consideration of these comments.

Sincerely,

Kathryn A. Henderson
Kathryn Henderson
Mayor

KH:dr

cc: Jerry Lewis, Congressman Inyo County
John Doolittle, Congressman Mono County

As Mayor of Etna, California, a city that already has suffered greatly from closing down tree harvesting on the Klamath national Forest, I strongly oppose the The Forest Service Roadless Area Conservation Draft Environmental Impact Statement. That document of more than 700 pages was issued on May 11. This provides the City of Etna a mere 67 days to read and comprehensively review this document that will affect virtually all citizens within our community,

One section (entitled Ecological Factors) is extremely biased against roads and timber harvesting. The entire section focuses on the negative aspects of roads and timber harvest and rarely addresses the benefit of these activities, such as increased water for municipal use, irrigation, access for water related recreational activities and access for fire suppression.

The Biological Diversity section is flawed. It does not explain how roads or timber harvest impact biodiversity, only blanket statement that roadless areas support more. The analysis for biodiversity does not address the needs of individual species and makes it sound as though biodiversity does not occur outside roadless areas.

TOTAL P.02

0 1 3 5

44007



Ellen_Rubinstein@ci.sf
.ca.us
07/17/00 12:13 PM

To: roadlessdeis@fs.fed.us
cc:
Subject: comments on EIS

Dear Sir/Madam,

I am writing to express my concern about the proposed Area Conservation Rule and Draft Environmental Impact Statement (EIS). While a road-building ban will effectively prevent commercial logging in some areas, it will allow logging in too many areas accessible by helicopters and equipment that don't require road access. Furthermore, the EIS does not include the Tongass National Forest in Alaska, does not prohibit logging within inventoried roadless areas, and provides no immediate protection for uninventoried roadless areas greater than 1,000 acres. It also doesn't protect roadless areas from mining, ski resort development, and off-road vehicles.

The Tongass is America's largest national forest and the heart of the last great temperate coastal rainforest on earth. I urge you to amend/change the current EIS language to address these concerns.

Sincerely,
Ellen Rubinstein

Ellen Rubinstein
Resource-Efficient Building Coordinator
SF Department of the Environment
1540 Market St. Suite 160
San Francisco, CA 94102
(415)554-6397, f. (415)554-6393

THE DEPARTMENT OF THE ENVIRONMENT'S MISSION IS TO IMPROVE, ENHANCE, AND PRESERVE THE ENVIRONMENT AND PROMOTE SAN FRANCISCO'S LONG-TERM ENVIRONMENTAL SUSTAINABILITY.

THE DEPARTMENT OF THE ENVIRONMENT SEEKS VOLUNTEERS AND INTERNS FOR HELPING IN THE OFFICE AND IN THE FIELD....(415) 554-6390

DIANA DeGETTE
1st District, Colorado
1339 LONGWORTH
WASHINGTON, DC 20515
202-225-4431
FAX 202-225-5657
DISTRICT OFFICE:
1400 GLENMORN PLACE, SUITE 202
DENVER, CO 80202
303-844-4988
FAX 303-844-4996
E-mail: degette@mail.house.gov



Congress of the United States
House of Representatives
Washington, DC 20515-0601

Statement Of
The Honorable Diana DeGette
Regarding
United States Forest Service's Proposal on National Forest System
Roadless Areas
June 22, 2000

6395
COMMERCE COMMITTEE
SUBCOMMITTEE ON HEALTH
AND ENVIRONMENT
SUBCOMMITTEE ON FINANCE AND
HAZARDOUS MATERIALS
SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

FILE No. 380 07-17 '00 13:20 ID:
SCOTT McINNIS
3D DISTRICT, COLORADO
COMMITTEE ON WAYS AND MEANS

Congress of the United States
House of Representatives
Washington, DC 20515-0603

19291 PAGE 2

WASHINGTON OFFICE:
500 ANNE ARUNDEL DRIVE
WASHINGTON, DC 20540-5003
202-225-4781
FAX: 202-225-1877

DISTRICT OFFICES:
1st DISTRICT OFFICE:
1339 LONGWORTH
WASHINGTON, DC 20515
202-225-4431
FAX: 202-225-5657
2nd DISTRICT OFFICE:
2000 M STREET, N.W.
WASHINGTON, DC 20540
202-225-4781
FAX: 202-225-1877
3rd DISTRICT OFFICE:
1400 GLENMORN PLACE, SUITE 202
DENVER, CO 80202
303-844-4988
FAX: 303-844-4996
4th DISTRICT OFFICE:
1400 GLENMORN PLACE, SUITE 202
DENVER, CO 80202
303-844-4988
FAX: 303-844-4996
5th DISTRICT OFFICE:
1400 GLENMORN PLACE, SUITE 202
DENVER, CO 80202
303-844-4988
FAX: 303-844-4996

CAET RECEIVED

JUN 26 2000

July 13, 2000

USDA Forest Service, CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Re: Roadless Area Proposed Rule Comments

Roadless areas in our National Forests exist as some of the last remaining crown jewels left on American public lands. The fact that there are areas still left where humans have not placed their permanent footprint is amazing considering our nation's rapid population and economic growth. For years these areas remained untouched by humans, some inaccessible, others forgotten except by a select few. With this Administration's proposed plan on Roadless Areas we are setting aside a savings plan for our children while providing important ecological sanctuaries for wildlife and intact ecosystems.

I would like to commend the Forest Service and the Clinton Administration for proposing to preserve these areas and express my wholehearted support of their efforts. This proposal has the potential to impact about four million acres of National Forest Land in Colorado. Moreover, it directly impacts 250,000 acres of forest land which is included in my Colorado Wilderness Act of 1999, which proposes to set aside 1.4 million pristine acres of Bureau of Land Management and Forest Service land across Colorado.

While I am pleased the Forest Service has the vision to undergo this effort, I am concerned the Forest Service's preferred alternative will not be protective enough of roadless areas in our National Forests. To ensure our nations' last remaining forested lands are protected for future generations I urge the Forest Service to extend the strongest protection to the greatest amount of roadless land, particularly roadless areas greater than 1,000 acres. These areas should be protected from all road construction and reconstruction, commercial and non-commercial logging, mining, and off-road motorized recreation vehicles. I also urge that strong interim protections for any uninventoried roadless areas be applied. Additionally, the Tongass National Forest in Alaska should be added to the road-building ban to guarantee that all National Forests will be protected. We are now in the unique position to apply strong conditions that ensure all these areas remain wild and roadless while preventing them from being further impaired.

I would like to thank the Forest Service for conducting an inclusive and comprehensive public comment process. As the Forest Service knows, there are many users of the forest and a wide range of opinions on how our public lands should be managed. It is vital that all voices and concerns are heard. I trust the Forest Service will continue to be open and flexible in the preparation of the final environmental impact statement for the roadless protection plan. Thank you for the opportunity to provide comments on this process and I look forward to the final implementation of this plan to provide long-lasting protection for our national forests.

Thank you for the opportunity to comment on the Proposed Rule for the Roadless Areas Initiative. Given the complexity and extent of the recently released draft environmental impact statement (DEIS) and proposed regulations, I plan to address several issues regarding the deficiencies in both the authority for the proposed action to protect roadless areas within the National Forest System as well as the Forest Service's other major national policy initiatives that we have been forced to address in the past six months. The remainder of my official comments on the Proposed Rule are directed to the specifics contained within the DEIS and the proposed regulations to protect roadless areas within the National Forest System.

Deficiencies of Law and Process

The United States Constitution provides Congress with the power to set policy, unless specifically delegated to the Executive Branch, through authority for regulations and similar actions. The Roadless Areas Initiative is a policy initiative. While the Executive Branch has specific authority to accomplish internal reforms through Executive Orders, the Executive Branch does not have the inherent power to make policy, thus rendering this initiative invalid.

As you are aware, this is the Forest Service's fifth major national policy initiative in six months, including the proposed planning regulations and the road management and transportation system regulations. While these proposals and policies have been released separately, they seem to be different parts of the same basic policy initiative. Despite this interrelationship, the Forest Service has failed to explain how the various proposals interrelate, and more importantly what their cumulative impact on

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the National Forest System and on the communities that rely upon them will be.

As such, I see no need for urgency in the process tied to the DEIS and the Proposed Rule for the Roadless Areas Initiative. Given the broad-reaching nature of this proposal, the confusion associated with the Forest Service's recent series of national policy initiatives and the large-scale social, economic and environmental impacts to the communities and people who utilize and reside near our forest lands, it would be appropriate for the Forest Service to ensure the public is adequately represented in this process through an additional 120 days for individuals to meaningfully comment on the Proposed Rule.

Finally, I would like to briefly mention the Forest Service's inappropriate tendency in the recent past to solicit assistance outside the NEPA process, as well as full participation from a select few in the environmental community in developing both the direction as well as the specifics in many of the agency's latest policy initiatives. This disregard for any balance in the advice solicited is evidence of both the pretextual nature of the Initiative as well as the Proposed Rule, and a lack of interest in and concern for the adverse consequences to other forest users.

Comments on DEIS and Proposed Rule

At the outset, it is important to note that the Proposed Rule may affect some fifty million acres of public land. These areas fall disproportionately west of the continental divide, with some four million acres falling in the State of Colorado alone. The proposal, beginning with the original Notice of Intent and ending with the close of this comment period, has been open to public scrutiny for only nine short months. The idea that an initiative of this magnitude could possibly be expected to draw significant and meaningful public input in the span of less than one year, when one considers that individual forest plans affecting only a few hundred thousand acres are reviewed and revised over intervals frequently lasting nearly a decade, is naive at best, disingenuous at worst, and possibly a violation of the NEPA process.

The broad-brush approach taken by the USDA in its crafting of the rule is wrought with deficiencies. The biological, social, and economic differences of each forest lend themselves to a more localized planning method. Individual plans governing land, resource, and travel management are clearly better set by local forest managers and communities. The proposed rule recognizes the ability of local communities and planners in identifying unroaded areas, and their importance to the surrounding population. Why would it not be reasonable to assume that these same planners can effectively protect roadless areas in the absence of an inflexible, top-down federal mandate?

The proposed rule also fails to adequately recognize the importance of, and logistical challenges associated with vegetation management. Certain forest units may be experiencing extremely dry conditions, requiring road construction or reconstruction to remove timber and manage for fuel reductions in areas that are potentially vulnerable to forest fires as a preventative measure. Still other units may be afflicted with pine beetle infestations resulting from a blow-down, or an outbreak of root disease that would require road construction to prevent these potential threats to public and private property from spreading. Threats of this nature are hardly unique to any single forest, and each must be provided with the flexibility to address these unfortunate hazards should they present themselves. Officials and communities should not be put in the complacent position of being compelled to wait until a catastrophic fire, insect epidemic, or circulation of a root disease is already well underway before they are permitted to react. Local communities, as a matter of fundamental fairness, must be given this flexibility.

The costs of the preferred alternative are also of great concern to me. Individual forest plans themselves can take five to ten years to complete. If the proposed rule is adopted, those plans which were recently adopted may be scrapped, mandating the process be revisited in compliance with the new rule. Incurring the costs of duplicating the planning process would be fiscally irresponsible.

Additionally, it is my opinion that the proposed rule will have a negative effect on rural economies. Tourism dollars generated by responsible recreationalists may dwindle as more and more areas are locked-up under the rule. The effects of the preferred alternative on communities that depend heavily on the timber industry will be crippling. The town of Olathe, in western Colorado, for instance, will be one of those hardest hit by the rule.

As an aside, I must express my distaste for the broad generalizations of loggers and mill workers contained in the DEIS (pp. 3-189 - 3-190). I found these remarks insensitive, offensive, and grossly unfair. Frankly, I do not believe including them was necessary.

In conclusion, I must reiterate my opposition to the proposed rule. I am deeply troubled by the rule in many respects: The usurpation of Congressional authority on such a sweeping policy scheme, the indifference displayed by the administration for the people and communities who would be most affected by the preferred alternative, the failure of the

proposal to evaluate allowing individual forest plans to address these issues, and the haste with which the proposal was rushed through the process are of particular concern. I would urge that the proposal be withdrawn, and suggest that in the future such sweeping policy undertakings come not from the executive branch, but from Congress, the body with whom the power to do so lies.

Sincerely,

Scott McInnis
Member of Congress

STATE OF COLORADO

OFFICE OF THE EXECUTIVE DIRECTOR

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, Colorado 80203
Phone: (303) 866-3311
TDD: (303) 866-3543
Fax: (303) 866-2115

17269
July 10, 2000



DEPARTMENT OF
NATURAL
RESOURCES

Bill Owens
Governor
Greg E. Walcher
Executive Director

Chief Mike Dombeck
USDA Forest Service -- CAET
Post Office Box 221090
Salt Lake City, Utah 84122
Attention: Roadless Areas Proposed Rules



RECEIVED

JUL 17 2000

Dear Chief Dombeck:

The Colorado Department of Natural Resources appreciates this opportunity to comment on the Forest Service's Draft Environmental Impact Statement (DEIS) concerning roadless area conservation.

The DEIS accurately identifies outstanding values we associate with inventoried roadless areas. Such values include critical habitat for rare plants and animals, diverse communities of native species and vital sources of clean drinking water. Beyond such tangible benefits, inventoried roadless areas offer islands of recreation, peace and solitude, a value that becomes more elusive as we lose open space to development with each passing year. In addition to the values identified by the DEIS, national forests also produce staple products which form the basis of our economy and the livelihood of many rural communities. For these reasons, conservation and responsible management of inventoried roadless lands is not just good public policy, it is absolutely necessary to preserving the quality of human life and the integrity of our natural environment.

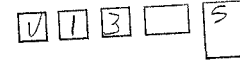
As noted in the DEIS, the nation's inventoried roadless areas comprise over 54 million acres -- 28% of the National Forest System. These lands are as diverse as America itself. Perhaps as a consequence of this diversity, there is no consensus about how best to manage such lands, or even if one comprehensive management plan is appropriate for all lands within the roadless system. For example, the point has been made that the Forest Service's traditional manner of revising forest management plans -- on a forest-by-forest basis -- has historically yielded productive solutions and may be more suitable to account for differences between forests than a system-wide plan. In other words, while there is substantial agreement on the goals articulated by the DEIS, it is also true that reasonable people have different perspectives on how best to achieve them.

In weighing these perspectives, the state of Colorado must engage in a massive inquiry to determine the impacts of proposed alternatives. This includes, but is not limited to, digesting the DEIS and its appendices, weighing impacts on state activities (such as wildlife management), soliciting input from citizens who use the affected areas for various purposes (from resource production to recreation), determining economic impacts on rural communities and the state as a whole, quantifying impacts to state school trust inholdings (the value of

17269

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Chief Mike Dombeck
July 10, 2000
Page Two



which could be diminished or destroyed without access through forest lands), and considering impacts to forest health across the state of Colorado.¹

Each of these considerations is important and involves multiple layers of complexity. Although we have made an effort to account for the impacts of given alternatives, it is simply impossible for any state to provide detailed and substantial comments in the time frame established in the DEIS. Moreover, the task of gathering data has been complicated by the fact that the DEIS leaves out important information, most significantly, detailed maps of affected areas. In the absence of specific information, the state must either recreate it from other sources or make decisions without the benefit of relevant data.

We commend the Forest Service's statements about the importance of having a public process before selecting an alternative. However, for such a process to have real value, the public must have an adequate opportunity to review and consider the actual impacts of proposed alternatives. Without such an opportunity, the credibility of the process is compromised, and any final decision will be subject to legitimate criticism.

Specifically, we feel the comment period should be extended to reflect the magnitude of the decision and the amount of information to be considered. In the case of the White River National Forest management plan -- which affected an area of less than 2.3 million acres -- the comment period was 270 days (90-day initial period plus a 180-day extension). In the case of the DEIS -- which affects roughly 2% of the total landbase of the United States (including 4.3 million acres in Colorado) -- the comment period is only 60 days. Extending this period will allow for more informed citizen commentary, and will give the state of Colorado an opportunity to collect the necessary data to provide meaningful input. We therefore request that the comment period be extended by an additional 180 days.

Thank you for your consideration.

Sincerely,

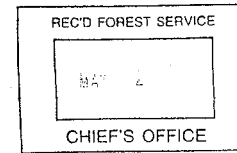
Greg Walcher,
Executive Director

¹ The latter has become an area of special concern in recent weeks, as wildfires have consumed tens of thousands of acres of forest land across Colorado. Without access, fireproofing forests and fighting fires becomes a more difficult -- if not impossible -- task, potentially jeopardizing the homes of many Coloradans. Additionally, access is critical to mitigate mountain pine beetle infestation. For example, in the East Fork of Grand County's Troublesome Creek, an inventoried roadless area, beetles have killed 6,000 trees in 1999, up from 500 in 1998.

Capitol: (303) 866-2318
E-mail: mike.feeley@state.co.us

DATE RECEIVED
JUN 08 2000

April 24, 2000



Chief Michael Dombeck
U.S. Forest Service
Post Office Box 96090
Washington, DC 20090

Dear Chief Dombeck:

I am writing to urge you to adopt a policy that will protect all national forests roadless areas in Colorado and nationwide. As a public official of Jefferson County, I know that the citizens I represent value roadless areas as refuges for wildlife, places for recreation and spiritual renewal, and as a key contributor to Colorado's economic health.

Colorado has 14 million acres of national forest within its borders, of which at least five million acres are roadless. Unfortunately, road building, off-road motorized recreation, mining, logging, and other harmful activities threaten to ruin our remaining wild roadless lands. The Bushy Creek, Morrison Creek, and South Fork Roadless Areas on the Routt are threatened by logging. The remaining roadless areas on the Grand Mesa National Forest -- the Salt Creek and Priest Mountain Roadless Areas -- are threatened by pending timber sales. The White River National Forest also faces problems caused by motorized use. In 1998, The Colorado Division of Wildlife recommended that motorized vehicles be prohibited in roadless areas, because of their importance for wildlife.

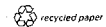
National forest roadless areas provide many ecological, social, and economic benefits. They provide important habitat for fish and wildlife in Colorado, including the recently reintroduces lynx, the cutthroat trout, the mountain plover and other imperiled species as well as species of recreational, commercial, and cultural value. Regarding Colorado's economy, roadless areas provide abundant recreational opportunities, including hunting, fishing, hiking, camping, horseback-riding, rafting and wildlife-watching.

Again, I urge you to adopt the comprehensive policy that protects all roadless areas in all national forests. Even small roadless areas between 1,000 acres to 5,000 acres should not be excluded. I feel this is a necessary step to preserving our remaining, wild heritage forests.

Sincerely,

Michael F. Feeley
Senate Minority Leader
MFF:hh

Received in FS/CCU
Initial: KH
Control No: 4153939



1 3 5

19214

19214



"Diane Hoppe"
<dhoppe@kci.net>
07/12/00 11:17 PM

To: <roadlessdeis@fs.fed.us>
cc:
Subject: Comment letter

July 13, 2000

USDA Forest Service - CAET

Attn: Roadless Areas Proposed Rule

P.O. Box 221090

Salt Lake City, UT 84122

Dear Sirs:

As a State Representative, and a member of the Colorado House of Representatives Agriculture, Livestock and Natural Resources Committee, I wish to offer the following comments on the proposed rule regarding national forest roadless areas.

I do not support a blanket prohibition on all road construction in all roadless areas for the following reasons:

- *Process* - Decisions about management of roadless areas should be made as part of the forest planning process, not as part of a politically motivated top-down directive from Washington, D.C. Many Colorado citizens, including myself, participated in the forest planning process on the Routt, Arapaho/Roosevelt, Rio Grande and White River National Forests to develop the existing Forest Plans. I am especially disturbed that a portion of the decisions in those forest plans are now proposed for replacement by this new process that doesn't consider any of the on-the-ground or local issues associated with management of roadless areas. The forest planning process that includes input from local citizens should *not* be circumvented!
- *Access* - I am concerned that the Roadless Proposal is part of a broad national strategy designed to reduce access to and management of the national forests. As you are aware, we in Colorado have again recently suffered disastrous consequences of catastrophic wildfires due in part to lack of management of the National Forests. Without adequate roads our ability to combat out of control wildfires is severely hampered.

- *Cost* - Our State is already paying a heavy price for the lack of proper management on the national forests. Colorado citizens pay much of the cost of fighting fires, and cleaning up water quality problems resulting from the subsequent flooding that follows wildfires. Colorado communities and families dependent on the forest products industries will suffer loss of income, quality of life and funding for school districts. Colorado will suffer loss of wildlife habitat and as well as our opportunity to enjoy green, healthy forests when insects and disease take over from lack of management. The national forests in our state are for the most part over mature, too dense, and plagued by disease. The Roadless Proposal only contributes to those problems.
- *Multiple use* - Multiple use laws and objectives cannot be met by imposing the Roadless Proposal. The existing laws should be adhered to or should be changed by Congress, but should not be circumvented by executive authority!

It is my request that the rule be withdrawn in its entirety! The only acceptable alternative is Alternative 1 - the No Action Alternative.

I also request that you analyze the following items and make that analysis available for public review and comment prior to making a final decision on this proposal:

- Update an inventory and map of each of the "unroaded portion of inventoried Roadless Areas" in the National Forests in Colorado.
- The number of suitable acres in each Roadless Area in the Colorado National Forests, the long-term reduction in ASQ that would result from the Forest Service's inability to manage those Roadless Areas, and the social and economic impacts of that reduction in long-term ASQ.
- The ecological impacts that would result from the Forest Service's inability to manage each of the Roadless Areas in the Colorado National Forests, including the current and projected potential for catastrophic wildfires, and the current and projected potential for mortality from insects and diseases for each Roadless Area. This analysis should include the Roadless Areas themselves, as well as adjacent national forest lands, other public lands, and private lands.
- An Alternative that would allow the use of temporary roads for forest management access needs.
- A detailed accounting of the purported \$8.4 billion road maintenance "backlog" including how that figure was determined, what items are included in that figure, and a comparison of the Forest Service's request for Road Maintenance funding and the Congressional Appropriations for Road Maintenance for the past five years.
- An assessment of the Cumulative Impacts of the other major rulemakings proposed by the Forest Service.

Thank you for this opportunity to comment.

Sincerely,

Diane Hoppe
State Representative

19214

17266



DELTA COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
COUNTY COURTHOUSE - 501 PALMER STREET - SUITE 227 - DELTA - COLORADO - 81416
PHONE: (970) 874-2100 FAX: (970) 874-2114

Dist. 1: Jim D. Ventrello - Dist. 2: Donna R. Ferganchick - Dist. 3: Ted H. Hayden

July 10, 2000

USDA Forest Service
CAET
Attn: Roadless
P.O. Box 221090
Salt Lake City, UT 84122

4 3 1 [] 5

PAET RECEIVED
JUL 17 2000

Re: Roadless Initiative

Gentlemen:

The Board of Delta County Commissioners is strongly opposed to the Roadless Initiative. This Initiative would impact thousands of acres in Delta County. One of our biggest concerns is the way it was developed without up-front local input.

This initiative could severely impact the economy in Delta County due to the following:

Water Resources: Access and development of water resources for municipalities and agriculture in the County will be negatively impacted.

Timber Industry: Lack of roads in areas where timber sales would occur would hurt the timber industry. The Forest Service has been successful in creating a healthier forest by cleaning out selected areas for timber sales, thus reducing the overgrowth which creates fuel for forest fires. This could not be done if roads were prohibited in these areas. Use of helicopters in this area for this type of project is not a viable option for the small local loggers.

Coal Industry: The West Elk Coal Company would be severely impacted if they couldn't build roads to continue their exploration and construction of facilities for their mining operations. They have a lease for the land they are mining. We would ask that this land be excluded from the initiative to allow this mine to continue operations.

Again the Board would like to express its strong opposition to this initiative.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
DELTA COUNTY

By: Ted H. Hayden
Ted H. Hayden, Chairman

Donna R. Ferganchick
Donna R. Ferganchick, Vice-Chairman

Jim D. Ventrello
Jim D. Ventrello, Member

BCC:csc

K 1 3 5

19118

06/22/00 THU 14:17 FAX 970 677 2815

DOLORES CO. COMMISSIONER

6381 001



"Jim Ventrello"
<jventrello@deltacounty.com>
To: <roadlessdeis@fs.fed.us>
cc:
Subject: comment
07/05/00 11:22 AM

Sir or Ma'am:

I am opposed to the roadless initiative as presented. There was no meaningful local input prior to the plan being released for public comment. The post-plan hearings should have been held prior to the plan being put together.

Stripping planning \$ from the regions in order to do the EIS was also a poor decision in my mind. The forest plan revision on our local forest has been held up for many years already and this delayed it more. Many of the issues in the roadless initiative could have been dealt with in that process, where there is a lot of public input from many sides of the issue.

Many of the "roadless" areas are roaded. The areas in Delta County contain structures for municipal watersheds, irrigation companies, grazing improvements and low-sulfur coal leases.

The West Elk Mine in Gunnison County has mining leases that are almost entirely contained in one of the identified areas. Coal mining is vital to the economy of Delta County and this area should be excluded or at the very least a waiver for coal mining allowed.

In this fire season, forest health also becomes a concern. Many of the areas around here have heavy fuel loads. The timber industry is a viable partner to restoring forest health. The local industry is made up of small operations. Helicopter logging is not something that they can afford. The local industry has worked well in partnership with the Forest Service to come up with creative solutions to forest health needs.

Finally, many of the travel management plans on local forests have done an excellent job of directing the public away from environmentally sensitive areas. We don't need more regulations to address environmental issues, we need to better use the tools we already have.

Sincerely yours,
Jim D. Ventrello
Delta County Commissioner
Delta, Colorado



Board of County Commissioners

P O Box 608
Dove Creek, CO 81324

Phone: (970) 677 2383 Fax: (970) 677-2815

K 1 2 5

June 21, 2000

USDA Forest Service CAET
Attn: Roadless Area Proposed Rule
Fax 877 703-2494

The Board of County Commissioners request your consideration that any lands in Dolores County that are declared a National Monument, roadless, or wilderness study area or any area taken out of production for any reason receive payment at a rate of \$2.00 per acre per year tied to inflation in future years.

Of a total of 689,285 acres within Dolores County 422,240 are Federal Public Land and 3,520 are State Public Land. This represents a tremendous amount of acreage removed from production of mining, timber industry, utilities that are direct revenue to the County.

We understand balanced budgets (better than most Congressman), but this is not a pork barrel project but survival for rural counties.

Sincerely,
Board of County Commissioners
LeRoy Gore
LeRoy Gore, Chairman

CAET RECEIVED

JUN 26 2000

OFFICE OF THE
BOARD OF COMMISSIONERS
(970) 328-8605
FAX (970) 328-7207
TDD (970) 328-8797
Email: Eagleco@vail.net
http://www.eagle-county.com



EAGLE COUNTY, COLORADO

15908
FACT RECEIVED
JUN 17 2000

TOM C. STONE
JOHNETTE PHILLIPS
MICHAEL L. GALLAGHER

July 6, 2000

K 3 1 5

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

To Whom It May Concern:

The Eagle Board of County Commissioners would like to take the opportunity to comment on the USDA proposed Roadless Rule. This rule will have significant impact upon Eagle County with some 300,000 acres of 'inventoried roadless areas' occurring within the County boundaries and an additional 100,000 acres in the Frying Pan and Flat Tops areas that are accessible from Eagle County. The WRNF staff have not calculated the extent of 'other roadless areas' within the Forest. Our recommendations on this rule include:

- Recommend that the WRNF be exempt from the 294.12 (a) portion of this proposed rule in a similar manner that the Tongass NF has been exempted in 294.12 (c).
- Recommend that the WR Forest Service staff be required to revisit the considerations of roadless area conservation criteria listed within 294.13 (a) (1-9) during the development of its final management prescriptions for the WRNF specifically as they relate sections 294.13 (b) (1) and (2). This recommendation is similar to 294.13 (e) defining requirements of the Tongass.
- Recommend that a moratorium on road construction and reconstruction within inventoried roadless areas of the WRNF continue in place (see 64 FR 7290) until such time that Forest Service staff can achieve adoption of the LRMP which fully incorporates items within 294.13.
- Recommend that this roadless characteristics conservation planning process be carried out in a collaborative manner that includes:
 - a) surveys of the public on their prioritization of social and ecological values to be preserved; that in turn, informs which inventoried and other roadless areas shall receive which level of protection;
 - b) includes a final travel management plan that identifies the optimization strategy for the road network and lists the priority order in which roads will be closed and decommissioned;

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- c) includes a final budget which provides financial resource that is responsive to the needs of the WRNF including but not limited to noxious weed control.

Summary of concerns:

We do not support a one size fits all strategy for the management of the inventoried and other roadless areas within the National Forest System. We believe that each Forest, in collaboration with the public, can identify those roadless lands which should be prioritized for protection. Just as the proposed rule has confidence in the local decision-makers to effectively protect the other roadless lands and their social and ecological characteristics within each Forest, so the Forest Service Administration should have confidence that the inventoried roadless areas will be protected in a like manner. This is especially true for the WRNF. It is our belief that the draft Land and Resource Management Plan for the WRNF has already substantially taken the issues identified in 294.13 (a) (1-9) into consideration. We believe the draft plan has demonstrated a roadless conservation ethic throughout its proposed LRMP alternatives. These issues are presented in detail in the body of this letter. A summary of the most important findings is presented here.

1) The WRNF draft management plan already provides sufficient, or near sufficient, protection of roadless areas and their social and ecological values. This is achieved by the following management direction for the Forest:

- a. Roadless Areas are already protected by Management Area Prescriptions and ROS Classifications.
- b. Travel Management prescriptions & infrastructure allocations limit Road building impacts to the Forest and roadless areas.
- c. Travel Management prescriptions limit environmental impacts of roads and vehicles due to prohibition of off road vehicle travel and closure of over 50% of the road network.

2) The proposed roadless rule may contain negative, though inadvertent, impacts upon the ability of the WRNF staff to achieve desired conditions on the Forest. The proposed rule:

- a. May adversely impact wildlife habitat and intensive vegetation management objectives of the plan related to the Forest's historic range of variability;
- b. May adversely impact the ability to manage for Forest health issues related to insect infestations and disease;
- c. May adversely impact the ability to manage the Forest for fuel reductions (due in part to fire suppression activities over the past century) and catastrophic fire prevention.

3) Inadequate financial resources are a greater threat to the ecological integrity of the Forest than road building in inventoried roadless areas:

- a. Inadequate financial resources are a greater contributor to the spread of noxious weeds on the WRNF than road building activities in inventoried roadless areas;
- b. The people of Eagle County and the region desire optimum multiple use with ecosystem management and protection for the Forest which cannot be achieved on a \$5/ac budget.

4) Cost/Benefit impact assessments:

- a. The Benefits of this rule are overstated for the WRNF since the Draft plan substantially

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- b. achieves the intent of the proposed rule and allows for little road building in roadless areas. Liabilities are understated for the WRNF since the proposed rule may adversely impact the ability of the USFS to implement the Plan's intensive ecosystem management objectives.
- c. The Transaction Costs of this rule are inaccurate for the WRNF since the local decision making and public review efforts have been performed.
- d. The Federalism impacts are understated for the WRNF, because implementation of this rule will short circuit extensive local efforts by USFS staff and the public to find a solution to Forest management, creating a mockery of the public hearing process and FS planning efforts.

Greater detail regarding these aforementioned issues are presented in the attachment which draws information from the draft White River National Forest Plan.

Thank you for your consideration.

Sincerely,
EAGLE BOARD OF COUNTY COMMISSIONERS

Tom C. Stone
Tom C. Stone
Chairman

Johnette Phillips
Johnette Phillips
Commissioner

Michael L. Gallagher
Michael L. Gallagher
Commissioner

Attachment: Detailed Analysis of Concerns

BOCC/ac

ATTACHMENT - List of concerns:

1. Roadless Areas are protected by Management Area Prescriptions and ROS Classifications

Management Area Allocations and Infrastructure Prescriptions The White River NF LRMP identifies the uses allowed within each management prescription. Road building is prohibited within category one lands. Road building is severely restricted to essential purposes in category two management area lands. And motor vehicle use and road construction are severely limited in category three lands. The table below identifies that the sum of category one, two and three management area allocations (R+RR+RM) range from 75% to 117% of the total roadless area plus wilderness lands on the Forest. The average allocation for categories 1-3 on the WRNF is 93.2%. This value indicates that road building activity will be prohibited or limited to essential purposes for almost the entire extent of the roadless areas of the WRNF. Most alternatives thus allocate sufficient MA land uses to protect roadless area characteristics.

WHITE RIVER NATIONAL FOREST SUPPLEMENTAL TABLE 1
MANAGEMENT AREA ALLOCATIONS AND RECREATION OPPORTUNITY SPECTRUM

MANAGEMENT AREA LEGEND	B	C	D	E	F	I
Total area of Road Building Prohibition	828,500	1,052,200	900,900	985,700	785,500	1,382,100
Total area of Road Building Severe Restriction	14,300	107,500	147,000	79,300	92,400	156,700
Total area of Motorized Use Severe Restriction	104,900	77,900	73,700	87,500	23,100	70,900
Roadless, Restricted Roads, Restricted Motor	947,700	1,237,600	1,121,600	1,152,500	901,000	1,609,700
Wilderness plus Inventories Roadless Areas	1,347,800	1,348,000	1,348,000	1,348,000	1,348,100	1,347,900
Inventoried Roadless Area about 600,000 ac						

Ratio R+RR+RM to Wilderness+ Roadless 91.78% 97.18% 90.36% 87.69% 74.48% 117.44%

Source: White River National Forest DEIS summary tables, 1999

Road building Prohibited = Management Areas 1.11, 1.12, 1.13, 1.2, 1.31, 1.32, 1.41

Road building severely restricted = Management Areas 1.5, 2.1, 2.2;

Motorized vehicles severely restricted = Management Areas 3.1, 3.21, 3.32, 3.4, 3.55

Recreation Opportunity Spectrum (ROS) The discussion of the proposed rule (A-14) notes that "inventoried roadless and other unroaded areas are characterized mainly by primitive, semi-primitive non-motorized, and semi-primitive motorized (ROS) classes". The table below displays the allocation of lands to these three roadless type classes. Note that the sum of the acreage allocated to these ROS classes is 130% of the area associated with inventoried roadless areas and designated wilderness in the least conservation oriented Alternative. The preferred Alternative allocates 2.18 million acres to primitive and semi primitive ROS classes. This is fully 157% greater than wilderness and inventoried roadless lands on the WRNF at 1.35 million acres. All alternatives thus allocate more than sufficient lands to protect roadless area characteristics. The specific management areas are identified in the table notes below.

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WHITE RIVER NATIONAL FOREST SUPPLEMENTAL TABLE 1
MANAGEMENT AREA ALLOCATIONS AND RECREATION OPPORTUNITY SPECTRUM

MANAGEMENT AREA LEGEND	B	C	D	E	F	I
Wilderness plus Inventories Roadless Areas	1,347,800	1,348,000	1,348,000	1,348,000	1,348,100	1,347,900
Inventoried Roadless Area about 600,000 ac						
Ratio R+RR+RM to Wilderness+ Roadless	91.78%	97.18%	90.36%	87.69%	74.48%	117.44%
ROS Semi Primitive Motorized	631,000	722,000	900,000	839,000	746,000	520,000
ROS Semi Primitive Non-Motorized	489,000	485,000	421,000	372,000	263,000	645,000
ROS Primitive	748,000	825,000	797,000	810,000	741,000	938,000
Low Intensity ROS Primitive & Semi Primitive	1,868,000	2,032,000	2,118,000	2,021,000	1,750,000	2,103,000
Ratio ROS P+SPNM + SPM to Wild.+ Road.	138.60%	150.74%	157.12%	149.93%	129.81%	156.02%
Total Area White River National Forest	2,282,500	2,281,900	2,282,200	2,282,200	2,282,300	2,281,400
Source: White River National Forest DEIS summary tables, 1999						
Note: P=Primitive; SPNM=semi-primitive non motorized; SPM=semi primitive motorized						

2. Travel Management prescriptions & infrastructure allocations limit Road building impacts

The major premise of the roadless initiative is that there exists a great threat to roadless areas and their most significant characteristics due to new road building and road reconstruction. While this may be true at the national level, we do not believe that this represents an accurate picture for the WRNF.

The table below identifies road building activities per year on the WRNF. The range varies from 2.2 miles to 8 miles per year with an average of 4.22 miles across the alternatives. Of this average 1.4 miles are identified for reconstruction leaving 2.84 miles per year of new road building. The average is slightly higher than the preferred alternative D's road building activity. Given the limited funding for the Forest, it would appear that little road building will take place; and thus the OMB benefit assessment likely overstates the benefits of this rule for conserving roadless characteristics. We have requested that FS staff provide us with information as to just how much of this road building activity will occur within inventoried roadless areas... waiting on reply.

Alternative (Exp budget)	B	C	D	E	F	I
Road System Budget	\$914,000	\$1,084,000	\$748,000	\$1,172,000	\$896,000	\$756,000
Road Construction and Reconstruction Activity (experienced budget)						
Annual new construction (recreation)	<0.1	0.1	<0.1	0.8	0.2	<0.1
Annual new construction (timber)	3.7	1	2.6	0.9	6.2	1.2
Rd Reconstruction	1.6	1.4	1.2	1.6	1.6	0.9
Total Rd Construction/yr	5.4	2.5	3.9	3.3	8	2.2
E. Extended Accomplishments for Road Obliteration and Recontouring (Based on Experienced Budget Levels)						
obliterate/recontour roads	416	741	676	600	269	996
Annual road obliteration & recontouring (mi)	14.6	29.5	22.2	34.3	14.5	43
# yrs complete plan obliteration & recontour	29	26	31	18	19	24

The table also displays the level of activity for road decommissioning, obliteration and recontouring. The average level of road decommissioning across alternatives is 26.4 miles per year, slightly below the efforts of the preferred alternative.

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3. Travel Management prescriptions limit environmental impacts of roads and vehicles

The table here identifies that highly significant levels of road closures are recommended in all alternatives for the WRNF. The alternatives average 53.2% of all roads being closed permanently, in large part to protect ecological values, but also due to limited financial resources.

Water Quality Risks due to Travel Management D 3-58												
Alternative	B		C		D		E		F		I	
Roads by Watershed	mi.s	%	mi.s	%	mi.s	%	mi.s	%	mi.s	%	mi.s	%
Total Mi. by Alternative	6,056		6,051		6,050		6,031		6,040		6,062	
open all year	2,856	47	2,528	42	2,523	42	2,960	49	2,665	44	2,532	42
closed seasonally	10	0	206	3	121	2	98	2	453	8	40	1
closed permanently	3,190	53	3,317	55	3,406	56	2,973	49	2,922	48	3,490	58

Furthermore, the travel management recommendations call for prohibitions to all off road travel under the preferred Alternative D. Alternative B (no action) in the table below currently allows for 140,000 acres of off road motorized travel and 1.1 million acres of off road mechanized travel. Note that these allowances have been eliminated within the preferred alternative. This proposal has largely been accepted by regional recreational interests. This Travel management strategy will provide significant protection of roadless areas and their characteristics above and beyond the requirements of the proposed roadless rule.

SUMMER AREA TRAVEL MANAGEMENT STRATEGIES, IN ACRES						
Alternative	B	C	D	E	F	I
A -All motorized/mechanized travel restricted to designated routes	279,000	1,355,000	1,524,000	901,000	1,223,000	1,515,000
C - Special travel management areas	<1,000	3,000	0	0	0	0
D - Off-road travel permitted for all motorized/mechanized vehicles, but FSMVs restricted to designated routes from 9/1 through 6/15	34,000	81,000	0	164,000	182,000	0
G - No restrictions to off-road travel	107,000	0	0	0	23,000	0
H - FSMVs restricted to designated routes. Off-road mechanized veh. is permitted	1,104,000	85,000	0	459,000	96,000	9,000

4. Wildlife Habitat Management

"Fewer acres of inventories roadless areas would likely be treated for Forest health purposes. Most moderate and high risk forests in inventoried roadless areas would be given a low priority for treatment, unless there was an imminent threat to public safety, private property, water quality, or threatened and endangered species. The change in the number of acres that potentially would be treated is small (significant in White River) relative to the total acres at risk, but there could be a slight increase in the risk from catastrophic fire or insect and disease from reduced treatment opportunities." (From OMB cost benefit assessment page A-20).

We are concerned that the aforementioned statement may preclude specific ecosystem management objectives for the WRNF on significant portions of the Forest. The preferred alternative recommends a management intensive approach to move the Forest towards its Historic Range of Variability. This is largely in response to a history on the WRNF of fire suppression during most of this century, former resource management practices and to the processes of urbanization adjacent to the Forest. The table here identifies wildlife habitat allocations by alternative.

Lands providing special habitat management emphasis by MA page 3-172 in acres						
	B	C	D	E	F	I
MA 1.41 Core Areas	0	0	8,200	0	0	36,800
MA 3.55 Wildlife Corridors	0	0	0	0	0	35,300
MA 5.12 Range Vegetation	309,100	99,900	82,100	5,300	562,800	48,000
MA 5.4 Forested Habitats	150,100	202,700	416,600	63,200	164,800	700
MA 5.41 Elk Winter Range	7,700	92,500	116,000	22,300	133,900	11,222
MA 5.42 Bighorn Sheep	7,700	5,100	33,200	8,500	16,800	35,700
MA 5.43 Elk Habitat	16,000	112,800	186,000	84,000	53,100	36,600
MA 5.45 Forest Carnivores	5,300	41,200	116,800	13,000	40,400	50,900
Sum Wildlife Habitat focus	495,900	554,200	958,900	196,300	971,800	255,222

Urbanization adjacent to the Forest has destroyed large amounts of Elk winter range and habitat. Even so, the WRNF supports the largest elk herd in the nation. The preferred alternative intends to re-establish winter range on the mountain foothills through intensive vegetation management. Note that the preferred alternative and alternative F allocate well over 100,000 acres to elk winter range alone and that Alternative D allocates nearly a million acres to wildlife habitats in total. We are concerned that the proposed rule may inadvertently limit the ability of the FS to implement this program that has been endorsed by most interests during the public hearing process.

The WRNF DEIS states "In some ecosystems intensive management is necessary to restore them to their Historic Range of Variability. The management is usually a combination of prescribed fire and timber harvest treatments". The table below identifies the proposed efforts in vegetation treatments and habitat management under the six alternatives which may be impacted by the proposed rule.

Habitat Management & Forested Vegetation Outcome Measures						
(acres/decade)	B	C	D	E	F	I
even age cut for aspen & lodgepole pine	610 acres	no acres stated	450 acres	180 acres	920 acres	no acres stated
Reforestation activity	40 (30)	10 (5)	30 (20)	10 (5)	70 (45)	10 (10)
Timber Stand Improvement	1,000 (740)	230 (160)	760 (530)	230 (160)	1,620 (1,170)	2,200 (210)
Landscape ac moves toward Desired Condition	8,200 ac/yr	8,100 ac/yr	9,200 ac/yr	6,200 ac/yr	7,600 ac/yr	6,300 ac/yr
Landscape acres influenced by natural disturbances	1,116,000 ac both budgets	1,337,000 ac	1,038,000 ac	1,279,000 ac	860,000 ac	1,563,000 ac
Terrestrial wildlife habitat restored under experienced budget and desired (15yrs)	600 ac/yr	700 ac/yr	800 ac/yr	300 ac/yr	100 ac/yr	300 ac/yr
Riparian Wildlife habitat restored/enhanced (desired)	13,500 ac in 15 yrs	15,000 ac in 15 yrs	16,500 ac in 15 yrs	7,500 ac in 15 yrs	3,000 ac in 15 yrs	7,500 ac in 15 yrs
	22.5 ac/yr	65.0 ac/yr	75.0 ac/yr	45.0 ac/yr	37.5 ac/yr	45.0 ac/yr
	337.5 ac in 15 yrs	975.0 ac in 15 yrs	1,125.0 ac in 15 yrs	675.0 ac in 15 yrs	562.5 ac in 15 yrs	675.0 ac in 15 yrs

Source: DEIS supplemental tables 2 and 3 and (page 2-48 and 2-63)(3-97, 105,107)

5. Timber harvest and Vegetation Management

In the table below, note that in alternative D the ASQ represents only 37 percent of the entire timber sale program quantity under experienced budgets. Under the preferred alternative D, the ASQ would allow 2,100 m cu ft/yr while the total chargeable/non-chargeable quantity would allow 5,660 m cu ft/yr or a variance of 3,560 m cu ft/yr, 170% timber harvest beyond the ASQ. Thus the Plan allows for significant landscape treatments within the Forest that may have positive impacts upon habitat development and HRV ecological processes but which may be adversely affected by the proposed rule.

TIMBER SALE PROGRAM QUANTITY (TSPQ) FOR FIRST DECADE IN MCF BY EXP. BUDGET						
Chargeable volume offered	B	C	D	E	F	I
ASQ	2,800	1,100	2,100	1,000	4,300	1,300
Personal use fuelwood	1,550	420	1,130	400	2,400	500
Other products (OP)	60	20	40	20	80	20
Other vegetation mgt	690	690	690	690	690	690
Salvage (sal)	1,700	1,700	1,700	1,700	1,700	1,700
TSPQ total	6,800	3,930	5,660	3,810	9,170	4,210
TSPQ total Full	8,590	4,340	7,010	4,330	13,110	4,770

* OP are non-sawtimber from suitable lands - mostly post/poles; OVM = Volume from unsuitable lands to meet other resource objectives.; SAL = Dead and/or dying timber from suitable or unsuitable lands. The table is drawn from page 3-462.

It should be noted that the preferred alternative offers no timber harvests within the Capable and available roadless areas (300,000 acres) that were considered for wilderness recommendations.

6. Insects and disease.

Insects and disease are an important consideration in vegetation management. Outbreaks of mountain pine beetle have been noted in lodgepole pine in Vail Valley, Piney Analysis Areas and in Ponderosa pine on Derby Mesa. The USFS sees stand conditions are such that a major outbreak (like the early 1980s) is likely to occur again in the near future. Dwarf lodgepole pine mistletoe is a significant concern in the Upper Frying pan Watershed and the Piney Analysis Area where 10%-20% of the lodgepole pines are infested at high levels. The spruce beetle is of concern in the Piney Analysis Area with 80% of the 15,000 acres of spruce-fir being at moderate to high risk. Finally, the Armillaria root disease is widely distributed throughout the Forest, with the Four-Mile/Divide Creek in Sopris Ranger District having particularly high levels of sub-alpine fir mortality

7. Fire Management

The ecosystems of the WRNF fall within three fire regimes that describe the frequency, extent and intensity of wildfires. (28% of the Forest has a low intensity fire vegetation with a frequency of less than 50 years, 52% of the Forest has a high intensity fire vegetation with a frequency of 50 to 300 years). Many vegetative communities on the Forest are fire dependent. Suppression of fires in these communities can affect their health, composition and diversity. The history is that fire has been suppressed on the WRNF for nearly a century leading to significant adverse biodiversity impacts and fuel loading resulting in higher potentials for catastrophic wildfires. Strategies for the use of fire in ecosystem management are under development. The Forest is composed of 50% acres with a low fire hazard rating, 21% with a moderate fire hazard rating, and 26% with a high fire hazard rating. The leading resource values at risk from wildfire are intermix lands or urbanizing areas, ski based resorts,

special interest areas and utility corridors where fire is generally not desirable. The table below identifies fire treatment strategies by alternative.

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Category	acres	acres	acres	acres	acres	acres
	B	C	D	E	F	I
A Wild land fire not desired	0	25	0	0	15	8
B Fire suppression/fuel reduce	2,000	2,475	2,000	2,250	2,485	1,000
C Fire desirable low mitigation	3,200	3,200	3,500	2,000	750	1,500
D Fire for resource condition	500	500	500	250	500	1,492
Totals	5,700	6,200	6,000	4,500	3,750	4,000

8. Inadequate Financial Resources have a bigger impact upon the spread of noxious weeds in the WRNF than road building.

We believe that the Forest Service has allocated insufficient funds to control the spread of noxious weeds on the WRNF. Noxious weeds are defined as alien plants that aggressively invade or are detrimental to native plant communities. Approximately 89,000 acres of the WRNF are infested with noxious weeds. Noxious weeds reduce productivity, crowd out native plants, displace wildlife species that depend on these plants, disrupt watershed function and nutrient and energy flow. Many resource scientists and land managers consider noxious weeds to be the largest threat to ecological integrity facing wild lands.

The following is a list of the most serious noxious weeds on the Forest accompanied by their annual rate of spread per year: Yellow toadflax 33,265 acres at 15%/yr = 4,990ac/yr; Canadian Thistle 17,220 acres at 25%/yr=4,305ac/yr; Hound's tongue 23,980 acres at 15%/yr=3600 ac/yr; leafy spurge 295 acres at 50%/yr=148 ac/yr; musk thistle 5,660 acres at 10%/yr=566 ac/yr; Russian thistle 1,785 acres at 30%/yr=536 ac/yr; and spotted knapweed 106 acres at 40%/yr=42 ac/yr. The sum of these noxious weeds annual spread yields over 14,000 acres per year. None of the alternatives effectively addresses control of noxious weeds. The leading alternative F₁ treats only 2,250 acres per year. The Noxious weed budget and performance are not stated within the DEIS. (See Page 3-146, 3-149)

9. Impact Assessment

The OMB reviewed this rule and identified that "few of the benefits and costs associated with the proposed rule were quantifiable, and; therefore, many of the costs and benefits are described qualitatively. Although the analysis does not provide a quantitative measure of net benefits, the agency believes the benefits of the rule, as proposed, would outweigh the costs."

Comment: From our perspective, this statement may hold true at the national level. However, we believe that it does not hold true at the Forest level for the White River based upon its unique situation, due to the LRMP update process. The specifics of this perspective have been provided in the preceding analysis.

Prohibiting road construction and reconstruction in all inventoried roadless areas may preclude unique opportunities for managing the Forest within this optimum desired condition.

"Local level analysis cannot easily incorporate the economic effects associated with nationally significant issues. Therefore, the agency believes the aggregate transactions costs (costs associated with the time and effort needed to make decisions) of local level decisions would be much higher than the transaction costs of a national policy, because of the controversy surrounding roadless area management.

15908

Comment: From our perspective, we have taken the time (9 months) to carry-out the difficult public process to discuss the issues of roadless area protection and management for biodiversity. We have already absorbed these transaction costs. To short circuit this effort with a national rule of one size fits all at this juncture is inappropriate. The political principles of devolution and decentralized collaboration should hold for the WRNF.

The proposed rule is presented as a strategy to "make the tough political decisions" in Washington and to point the finger at road building for timber harvesting as the habit which must be curbed to conserve roadless characteristics and ecological values.

Comment: Reality appears to be different from appearances. We believe that the roadless rule is a strategy that covers up inadequate political leadership to achieve sufficient funding for the optimum multiple use with ecosystem management that is required to achieve desired conditions on the Nation's Forests.

At the end of our public debate on the Draft WRNF Plan, we concluded that the Forest should allow for optimum multiple use within the context of ecosystem management and collaborative planning with local governments and related interest groups. The problems with implementing such a strategy is that the Forest Service does not receive sufficient funding to attain this desired condition. Five dollars per acre per year to manage the fifth most important recreation Forest in the nation will not get the job done. Analysis indicated that to achieve these desired conditions would require a budget at least twice the experienced budget level of the WRNF. Rather than a \$11.7 million budget, the WRNF requires at least \$25 million to achieve optimum multiple use with ecosystem protection.

"The goods and services that could not be produced on the unroaded portions of the inventoried roadless areas without road construction are likely to be produced either on other parts of National Forest System lands, or on other lands. Substitute production could result in adverse environmental effects on these other lands".

Comment: we believe that these adverse impacts are understated, given the lack of professional oversight in harvesting practices on private lands and in developing countries where biodiversity and watershed issues are far more extreme than in the US and at the WRNF. This practice of importing third world resources has vast social and political implications for developing countries that have gone unstated.

MONTEZUMA COUNTY
BOARD OF COUNTY COMMISSIONERS
CAET RECEIVED

Commissioners:
G. Eugene Story
J. Kent Lindsay
Glenn E. Wilson, Jr.

JUN 26 2000

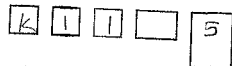
Administrator:
Thomas J. Weaver

May 22, 2000

109 West Main , Room 302
Cortez, Colorado 81321
(970) 565-8317

Planning/Mapping 565-2801
Mike Preston 565-8525
Carla Harper 565-6061

USDA Forest Service CAET
Roadless Areas NOI
P.O. Box 221090
Salt Lake City, UT 84122



Dear Sirs,

We are writing to make comment on the Roadless Initiative DEIS and Management Alternatives. Montezuma County is opposed to the proposed action on the grounds that the social, economic and environmental consequences of this action have not been adequately analyzed and addressed. In particular:

- **Public involvement as legally mandated** for Forest Planning and decision-making processes has been circumvented by this action. Locally, we have been working since 1992 on collaborative stewardship initiatives and community-based forest planning with our Forest and District level offices. The proposed action threatens to undermine the trust and stability that has made these relationships so productive for both community and Agency people. This consequence needs to be analyzed.
- **Section 101 of the National Environmental Policy Act** directs "the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means . . . to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans." Locally, we have been in the forefront of local-state-federal cooperation in efforts to improve productive harmony based on sound and carefully monitored scientific, economic and public involvement principles. The proposed action fails to use all practicable means to maintain productive harmony. The consequences of this violation of Section 101 of NEPA need to be analyzed.
- **The unique characteristics of each National Forest landscape** can only be properly understood and managed when grounded in site-specific scientific, economic and social information. Such information cannot be adequately gathered, analyzed and verified in a massive one size fits all Washington D.C. initiative. The consequences of failing to base the proposed action on adequate site-specific information, subject to local discussion and verification, need to be analyzed.

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Montezuma County Commission Comments on Roadless NOI, June 22, 2000, Page 2 of 2

- **Forest health and wildfire risk reduction** has been a major focus of collaborative stewardship efforts with the San Juan National Forest. We have learned that responding to forest health and wildfire risk reduction needs requires flexibility, which the blanket prohibitions in the proposed action undermine. The consequences of the proposed action relative to promoting forest health and addressing wildfire risks need to be analyzed.
- **Problems created by Forest Service road engineering standards** are at the root of the vehicle access impacts and maintenance backlog that are being used to justify the proposed action. Local loggers have consistently maintained that there is no need to build high spec roads to harvest wood and perform forest health treatments. The cumulative impact of FS road engineering standards and the proposed action on the wood businesses that are desperately needed to address the forest health and wildfire crisis that is plaguing the west need to be addressed.

In summary we believe that a proper analysis of consequences under NEPA should result in the withdrawal of the proposed alternatives. Any new alternatives that are formulated should be based on the following parameters:

- Management of roadless areas within and outside of RAREII should be addressed through open public involvement in the legally required forest planning processes. Funding which has been diverted to the Roadless Initiative should be restored to support site-specific forest planning efforts.
- Planning efforts should explore all practicable means by which federal, state and local governments can work together to achieve productive harmony as required by Section 101 of NEPA.
- Information should be gathered, verified and discussed through open public involvement processes, which address the unique characteristics of each National Forest and community setting.
- Scientifically based strategies for forest health and reduced wildfire risk should be a prime consideration in the development of roadless policy.
- Road engineering standards should be developed that facilitate properly developed strategies to improve forest health, reduce wildfire risk and allow for easy removal or cost-effective maintenance of roads following treatments.

Please keep us posted on further developments. We request that no final decision be made until these concerns are thoroughly analyzed and publicly discussed and the proposed action is modified accordingly.

Sincerely,

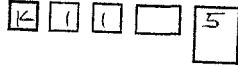
G. Eugene Story, Chairman
Board of County Commissioners

0393



BOARD OF COUNTY COMMISSIONERS

July 14, 2000



USDA Forest Service – CAET
 Attn: Roadless Areas Proposed Rule
 P.O. Box 221090
 Salt Lake City, UT 84122

CAET RECEIVED
 JUL 17 2000

Dear Sirs:

I offer the following comments on the proposed rule regarding national forest roadless areas.

I do not support a blanket prohibition on all road construction in all roadless areas, but even if that were a policy that I could support, this is not the right process. Decisions about management of roadless areas should be made as part of the forest planning process, not as part of a politically motivated top-down directive from Washington, D.C. The Montrose County Board of County Commissioners actively participated in the development of the forest plan for the Uncompahgre National Forest, and I am very disturbed that a portion of the decision in that forest plan are now proposed for replacement by this new process that doesn't consider any of the on-the-ground or local issues associated with management of roadless areas on the Uncompahgre National Forest.

I am very concerned that the Roadless Proposal is part of a broad national strategy designed to reduce access to and management of the national forests. I believe that changing any part of the decisions made in the forest plan for the Uncompahgre National Forest plan with a top-down directive from Washington, D.C. is wrong. Finally, I also believe that the proposed requirements for additional analysis and decisions about as yet undefined "unroaded" areas will create more opportunities for environmental extremists to disrupt the management of the Uncompahgre National Forest, and will be unnecessarily contentious and counter-productive.

The Montrose County Board of County Commissioners has passed a resolution concerning R.S. 2477 regarding roadless areas in the Uncompahgre National Forest (Resolution is attached).

Therefore, I request that you withdraw the rule in its entirety.

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However, if the Forest Service proceeds with this process, of the alternatives presented in the DEIS, the only acceptable alternative is Alternative 1 – the No Action Alternative. The time and place to analyze and make decisions about Roadless Areas in the forest planning process, not as part of a politically motivated top-down decision from Washington, D.C. Prior to making a final decision on this proposal, I request that you analyze the following items and make that analysis available for public review and comment:

- Updated inventory and map of each of the "unroaded portion of inventoried Roadless Areas" on the Uncompahgre National Forest.
- The number of suitable acres in each Roadless Area on the Uncompahgre National Forest, the long-term reduction in ASQ that would result from the Forest Service's inability to manage those Roadless Areas, and the social and economic impacts of that reduction in long-term ASQ.
- The ecological impacts that would result from the Forest Service's inability to manage each of the Roadless areas on the Uncompahgre National Forest, including the current and projected potential for catastrophic wildfires, and the current and projected potential for mortality from insects and diseases for each Roadless Area. This analysis should include the Roadless Areas themselves, as well as adjacent national forest lands, other public lands, and private lands.
- An Alternative that would allow the use of temporary roads for forest management access needs.
- A detailed accounting of the purported \$8.4 billion road maintenance "backlog" including how that figure was determined, what items are included in that figure, and a comparison of the Forest Service's request for Road Maintenance funding and the Congressional Appropriations for Road Maintenance for the past five years.
- An assessment of the Cumulative Impacts of the other major rulemakings proposed by the Forest Service.

Thank you for this opportunity to comment.

Sincerely,

David A. Ubell
 Montrose County Commissioner
 District #2

Attachment

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13993

A RESOLUTION OF THE MONTROSE COUNTY BOARD OF COUNTY COMMISSIONERS CONCERNING R.S. 2477 RIGHTS OF WAY AND THE UNCOMPAHGRE NATIONAL FOREST TRAVEL PLAN, MONTROSE COUNTY, COLORADO

WHEREAS, the United States Congress granted the right-of-way for the construction of highways over public lands, not reserved for public uses in Section 8 of the Mining Act of 1866, reenacted and recodified as Revised Statutes 2477 (R.S. 2477), 43 U.S.C. 932; and

WHEREAS, the United States Congress intended to promote the settlement of the western United States by granting rights-of-way for the construction of highways; and

WHEREAS, Montrose County, Colorado, is the owner of highway rights-of-way accepted pursuant to the grant offered under R.S. 2477; and

WHEREAS, the County accepted the grant offered under R.S. 2477 through public use, County construction or maintenance of the rights-of-way or other action establishing the County's intent to accept the offer contained in R.S. 2477; and

WHEREAS, the County and the public relied upon the terms of the offer, as established by the common law of statutory construction, federal regulations since at least 1938, federal statements of policy, and numerous rulings of state and federal courts which have addressed the terms of the offer contained in R.S. 2477, in accepting and administering the granted rights-of-way; and

WHEREAS, these rights-of-way are essential to the County's transportation and public access systems the public has relied on and continues to rely on them since prior to October 21, 1976; and

WHEREAS, state, county and local health, search and rescue, resource management, fire protection and law enforcement personnel rely on these access routes to carry out important public functions; and

WHEREAS, public access to routes of travel are essential to the economic, social and political well-being of the communities within the County; and

WHEREAS, these rights-of-way are important to the free flow of commerce in the United States; and

WHEREAS, the existence of a highway establishes a presumption that the highway has continued in use in its present location since the land over which it is built was public land not reserved for public use; and

WHEREAS, the majority of lands within Montrose County currently fall within the jurisdiction of Federal Land Management Agencies; and

WHEREAS, the United States is the owner of the servient estate traversed by rights-of-way accepted by the County pursuant to the grant offered in R.S. 2477; and

WHEREAS, the regulatory powers of the United States are limited by the obligation to honor valid existing rights, including the rights-of-way accepted pursuant to the grant offered under R.S. 2477; and

WHEREAS, other property owners may have succeeded the United States as owner of the servient estate traversed by rights-of-way accepted by the County pursuant to the grant offered in R.S. 2477 and the rights of those property owners in the servient estate is limited by the obligation to honor the rights-of-way accepted by the public pursuant to the grant offered under R.S. 2477; and

WHEREAS, the County is, and has been since its creation, responsible under state law to provide a safe transportation system for the traveling public and to support the local economy, custom and culture; and

WHEREAS, the County's right, title and interest in these rights-of-way includes the right to perform any and all construction and maintenance which is reasonable and necessary for safe passage for the uses established prior to the repeal of R.S. 2477 or the reservation of the lands for public use, as those uses may increase over time, based upon currently-applicable safety standards, including, at a minimum, the existing disturbed area occupied by the rights-of-way and associated improvements; and

WHEREAS, the rights-of-way accepted pursuant to the grant offered under R.S. 2477 have not been vacated or waived except where formal procedures provided under state law have been followed; and

WHEREAS, the United States Department of Agriculture, Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forests has issued the Uncompahgre National Forest Plan Record of Decision and Final Environmental Impact Statement, and

WHEREAS, the proposed actions contained within these documents will have significant effects upon highway rights-of-way accepted pursuant to the grant offered under R.S. 2477 and located within lands administered by the Forest Service within Montrose County, and

WHEREAS, the County has previously requested that the U.S. Forest Service resolve the issue of R.S. 2477 rights-of-way on lands administered by the Forest Service within Montrose County prior to issuing the above mentioned documents; and

WHEREAS, the U.S. Forest Service failed to address these concerns prior to issuing the above mentioned documents; and

WHEREAS, it is the policy of the County to ensure that all rights-of-way accepted pursuant to the grant offered under R.S. 2477 be retained in perpetuity for the use and benefit of the public;

NOW, THEREFORE, BE IT RESOLVED, as follows:

A. DEFINITIONS

As used in this resolution:

"Acceptance," "acceptance of a right-of-way for the construction of a highway over public lands, not reserved for public uses," or "accepted," means one or more of the following acts prior to October 21, 1976, by the County or person with the intention of creating a public highway over public lands:

Construction or maintenance of a highway; inclusion of the right-of-way in a state, county, or municipal road system, plat, description, or other map of public roads within the county;

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expenditure of any public funds on the highway; execution of a memorandum of understanding or other agreement with any other public or private entity or an agency of the federal government that recognizes the right or obligation of the County to construct or maintain the highway or a portion of the highway; or use by the public for the period required by Colorado State Statute; or any other act consistent with state or federal law indicating acceptance of a right-of-way.

"**Construction**" means any physical act of readying a highway for use by the public according to the available or intended mode of transportation, including, foot, horse, vehicle or other mode. "Construction" includes removing vegetation, moving obstructions, including rocks, boulders, and outcroppings, filling low spots, maintenance over several years, creation of an identifiable route by use over time, and other similar activities.

"**Highway**" means: any road, street, trail, or other access or way that is open to the public to come and go at will, without regard to how or by whom the way was constructed or maintained; and appurtenant land and structures including road drainage ditches, back and front slopes, cut and fill slopes, turnouts, rest areas, and other areas that facilitate use of the highway by the public. "Highway" includes pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, and all other ways and their attendant access for maintenance.

"**Maintenance**" means any physical act of upkeep of a highway or repair of wear or damage whether from natural or other causes.

"**Public lands not reserved for public uses**" means any federal lands open to entry or location.

"**R.S. 2477 right-of-way**" or "**right-of-way**" means a right-of-way for a highway constructed in this County on public lands not reserved for public uses and accepted by the County prior to October 21, 1976.

B. ACCEPTANCE

1. The County hereby finds that the rights-of-way illustrated in EXHIBIT A were accepted as public highways across public lands prior to October 21, 1976:
2. The failure to include any right-of-way in EXHIBIT A is not intended as evidence that said right-of-way was not accepted pursuant to R.S. 2477. The identification of R.S. 2477 rights-of-way in EXHIBIT A may be amended from time to time as evidence establishing the perfection of any R.S. 2477 right-of-way becomes available.
3. The County shall not be deemed to consent or have consented to the exchange of any R.S. 2477 right-of-way unless a formal written resolution specifically so stating has been passed at a duly called public meeting of the County Commission. No employee or agent of the County has been given authority to vacate, waive or exchange any R.S. 2477 right-of-way and any prior action by any employee or agent purporting to take any such action was void when taken, unless in the case of exchange, later ratified by formal written resolution as provided herein, or in the case of vacation or waiver, action has been taken in accordance with the procedures defined in State Statute, in which case the right-of-way reverts to the state. Where an R.S. 2477 right-of-way has

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been perfected through public use, the failure by the County to conduct mechanical maintenance of said right-of-way shall not affect in any way the status of said right-of-way as a highway accepted by the public pursuant to R.S. 2477. The omission of any right-of-way from any plat, description, or map of county roads or highways, whether required by state law or otherwise, shall not be deemed a failure to accept the grant offered under R.S. 2477.

C. VACATION

Vacation of any R.S. 2477 right-of-way shall take place only in accordance with the procedures specified in CRS Sec. 43-2-301-303.

D. SCOPE OF RIGHT-OF-WAY

1. The scope of the R.S. 2477 right-of-way is that which is reasonable and necessary to ensure safe travel for all uses that occurred before October 21, 1976.
2. The scope of the R.S. 2477 right-of-way includes the right to widen the highway as necessary to accommodate the increased travel associated with all uses that occurred before October 21, 1976, up to, where applicable, improving a highway to two lanes so travelers can safely pass each other.

E. ROAD CONSTRUCTION AND MAINTENANCE STANDARDS

1. Unless otherwise established by formal action taken by the County Commission, the width of an R.S. 2477 right-of-way used for vehicular travel may not be less than the setback standards for wilderness boundaries along existing roads as described in Bureau of Land Management Manual H-8560-1, Management of Designated Wilderness Areas, dated July 27, 1988, as follows:
 - high standard paved highways shall be 300 feet from the centerline;
 - high standard logging roads shall be 100 feet from the centerline;
 - low standard logging, jeep, maintenance, dirt roads used for right-of-way, or similar roads shall be 30 feet from the centerline.
2. Standards of safety and convenience, as established by the Colorado Department of Transportation (CDOT) Design guide will guide construction and maintenance activities on R.S. 2477 rights-of-way as follows:
 - for two-wheel drive roads that are either paved or graveled, AASHTO standards, as adopted by CDOT and/or Montrose County Road Standards as may be adopted from time to time by the Board of County Commissioners, apply.
 - for all other two-wheel drive roads, safety will be based upon considerations of (a) the current condition of the right-of-way, (b) the type of vehicles which use the route, (c) foreseeable future needs, and (d) the location/condition of the servient estate.
 - for four-wheel drive roads, horse paths, and foot trails, maintenance will proceed in accordance with historical practice as needed and as determined by the Board of County Commissioners..

13993

3. The County shall design and conduct construction and maintenance activities so as to minimize impacts on adjacent lands, consistent with applicable safety standards.
4. The County shall perform maintenance pursuant to applicable state law in accordance with its discretion; no notice to the servient estate owner is required prior to performance of such maintenance.
5. Construction within the scope of the right-of-way which will result in significant new disturbance of adjacent land will be preceded by notice to the adjacent landowner, who may comment on any design feature or construction method which the landowner believes exceeds the scope of the County's right-of-way.
6. The County Sheriff is hereby authorized to take any action necessary to prevent unreasonable interference with the County's exercise of its rights by the owner of the servient estate.

F. PUBLIC COMMENT:

1. It is in the best interests of the County and the public that facts and legal issues relevant to the County's management of its rights-of-way accepted under R.S. 2477 be raised in a timely manner and it is a fundamental principle of due process and fairness that any person having knowledge relevant to such facts or issues bring them to the attention of the County.
2. Inclusion of any proposed action on the agenda for a duly called public meeting of the County Commission shall be deemed notice to the public for all purposes under this resolution.
3. Any factual or legal issue not brought to the attention of the County by presentation at the public meeting where action is proposed or authorized to be taken or by written comments filed within five days of said meeting shall be deemed waived by any party in later proceedings, whether in a court of law or otherwise.

DATED THIS ___ DAY OF _____, 2000.

By _____
Chairman
Board of County Commissioners

Attest:

County Clerk

13985

RIO GRANDE COUNTY
BOARD OF COUNTY COMMISSIONERS

925 6th St., Room 207
Del Norte, Colorado
81132
(719) 657-2744
Fax (719) 657-2514

4 1 1 5 July 13, 2000

PAID RECEIVED
JUL 17 2000

BOARD OF
COMMISSIONERS
Vern Rominger
Chairman

USFS CAET
P. O. Box 221090
Attention: Roadless Area Proposed Rule
Salt Lake City, UT 84122

Robert Schaefer
Commissioner
Handy Brown
Commissioner

RE: National Forest System Road Management and Transportation System
Proposed Rulemaking and Notice, 65 Federal Register 11676-93 (March 3,
2000)

Gentlemen:

ADMINISTRATOR
Suzanne L. Benton

Rio Grande County Board of County Commissioners submits the following
comments on the proposed roadless initiative:

Rio Grande County Commissioners believes the proposed roadless initiative
overrides Congressional intent for multiple use management of public lands
and attempts to side step existing laws governing management of public lands.
**Rio Grande County Commissioners hereby request the roadless proposal
be immediately withdrawn.**

Sufficient procedures are already in place within the framework of the
National Forest Management Act and the Wilderness Act allowing national
forest managers to protect roadless attributes when appropriately designated
by forest plans. The new proposed rules prescribing management of roadless
areas will severely limit forest supervisors in applying necessary resource
management actions. The roadless proposal bypasses Congress and creates de
facto wilderness by prohibiting road building. There are specific laws
allowing multiple use of public land unless Congress has specifically declared
wilderness. The USDA Forest Service must return to its original mission of
multiple use of public lands.

13985

Timber management remains one of the primary purposes for establishing and managing each national forest. Timber management also is the only viable tool which provides the means to enhance forest health, protect wildlife habitat, improve forage, increase water flow, and provide the variety of forest age classes and distribution necessary to preserve long-term recreational benefits.

Rio Grande County relies heavily on timber production and sales. Each year the available timber from the National Forest is reducing. We currently have only one major lumber mill left and they are transporting lumber in from other states. Over 75 percent of the county's land is held by the Federal Government. The continuation of wilderness and roadless designations will in the very near future eliminate this industry in our County.

So far this year, the State of Colorado and New Mexico have had several major wildfires some started by "Controlled Burns". Why burn when good forest management would allow for thinning of trees which would product a revenue for the Federal Government and provide needed building materials?


Furthermore, the American people demand road access for recreational enjoyment. If the roadless proposal is not withdrawn, then the "No Action" alternative is the only plausible choice. Sufficient analysis has not been performed to concisely portray the effects of this proposal. Adequate maps must be provided along with the analysis. The maps provided in the current DEIS are inadequate to identify roadless areas or un-roaded un-inventoried lands. Maps and text provided in the DESI do not adequately identify wilderness areas, so the public is not informed about the true nature of the environment. All alternatives except "No Action" prohibit road construction. This is a direct violation of the National Environmental Policy Act (NEPA) which REQUIRES a broad range of alternatives should be considered. We request the Forest Services, at a minimum, prepare a new DESI with an appropriate range of alternatives and adequate environmental information on each roadless area.

We request that the Final EIS should describe each inventoried roadless area, and for each inventoried roadless area describe what specific characteristics the Forest Service wants to protect, any current or potential fire or insect and disease risks, and how the roadless proposal would change forest plan direction. We request the same level of analysis and discussion be performed as was done in the Forest Plans to consider alternatives. Losses to rural economics should be adequately addressed.

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For a small rural county like Rio Grande County, local healthy economies depend on diversity, including livestock grazing, tourism, and logging. The roadless proposal will reduce economic diversity. A healthy forest promotes tourism, recreation, and supports a wide variety of wildlife habitat. Roadless areas are prone over time to be increasingly susceptible to insects, disease and fire. Only proper forest management can reduce this threat.

Sincerely,


Vern Rominger
Chairman of the Board

JD/slb

29471

Divide Volunteer Fire Department



P.O. Box 401
Divide, CO 80814
(719) 687-8773

CAET RECEIVED
JUL 7 2000

Chief - G. David
(719) 687-0411
(719) 687-2500 Fax Direct
gdavid@rmi.net

Dep. Chief - W. Mercer
(719) 687-8563
wmercerc@worldnet.att.net

Captain (Fire) - J. Fulcher
(719) 686-9632

Captain (Medical) - A. Mosser
(719) 687-5406
amosser@csu.org

Lieutenant (Fire) - W. Grisewood
(719) 687-8829

Lieutenant (Rescue) - T. O'Connor
(719) 687-7287
tomesconor@hotmail.com

Lieutenant (Medical) - T. Tebo
(719) 687-5919
tebo12639@aol.com

Lieutenant (Transport) - P. Barnes
(719) 687-8580

Lieutenant (Comm) - V. Renter
(719) 687-6959
vrenter@earthlink.net

Sec/Treas/PIO - A. Collins
(719) 686-0023
bcwwife@earthlink.net

July 3, 2000

USDA Forest Service - CAET
Attn: Roadless Area Conservation Proposal
P.O. Box 221090
Salt Lake City, UT 84122

Dear Sir:

As Chief of a volunteer fire department which has primary initial responsibility for suppressing wildfires within the portions of Pike National Forest covered by our fire protection district, I am strongly opposed to the adoption of the Clinton-Gore Roadless Rule. My volunteers are the first line of defense against wildfires, and we rely heavily on established roads and trails to reach the scene of a fire quickly.

Our portion of Pike National Forest also includes one of a dozen or so designated State OHV motorized recreation areas. If this designated OHV area remains open, but tens of millions of acres of forest land are closed to motorized public recreation by the adoption of this rule, these designated OHV areas will become extremely crowded. This overcrowding would result in dramatic increases in accident and injury rates.

Even if the OHV area is closed, we still must respond to assist hikers, hunters, and fishermen who need emergency medical care. Access to these patients will be severely compromised by adoption of this rule.

Sincerely,

Gregory P. David
Fire Chief



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

5 1 1 5 YES

2 June 2000

Mr. Mike Dombeck, Chief
U.S. Forest Service
201 14th and Independence, S.W.
P.O. Box 96090
Washington, D.C. 20090-6090

Dear Mr. Dombeck:

Governor Bush requested that the Department of Environmental Protection respond to your letter of May 11, 2000. Thank you for providing us a copy of the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (EIS). The Forest Service is to be commended for producing a timely document that addresses this issue and potential impacts and alternatives. This is an important issue in Florida, given the numbers of visitors to the Apalachicola, Osceola, and Ocala National Forests.

Florida has a State Clearinghouse that coordinates the state's review of such documents pursuant to Presidential Executive Order 12372. That review also includes a federal consistency review as provided under section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C.A. 1451 et seq.). On receipt of the draft EIS, the State Clearinghouse will coordinate with the Forest Service on review time lines and the state response. If you have questions about this process, you may contact the State Clearinghouse Director, Ms. Cherie Trainor, at 850-414-5495.

We look forward to reviewing the Forest Service's Proposed Rule and EIS. If you have any questions or wish to discuss this further, please contact me at 850-487-2231 or lynn.griffin@dep.state.fl.us.

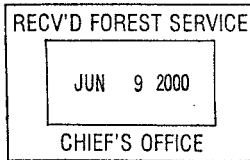
Cordially,

Lynn Griffin
Lynn Griffin
Intergovernmental Programs

cc: Cherie Trainor

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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JUN 16 2000



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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VICTOR J. HELLER, Assistant Executive Director

OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-3796 TDD (850)488-8542

5 1 1 5

July 12, 2000

Mr. Mike Dombeck, Chief
USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Mr. Dombeck:

This responds to your invitation for comments on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). We recognize that the proposed action and preferred alternative would prohibit new road construction and road reconstruction activities in unroaded portions of inventoried roadless areas. It is apparent that this action would have greatest impact in the western states and, according to U. S. Forest Service (USFS) records, only 42,000 acres would be affected on national forests in Florida, primarily in the Pinhook Swamp portion of the Osceola National Forest and the Long Bay/Gum Bay portion of the Apalachicola National Forest. These 42,000 acres, however, are very important to wildlife populations and wildlife-related recreation in Florida.

In our view, the proposed action would result in positive benefits for Florida's native wildlife and plant communities. The prohibition on new road construction or road reconstruction would limit forest fragmentation and benefit wide-ranging species such as the Florida black bear. It would help reduce vehicle collisions and other forms of wildlife mortality and disturbance associated with new roads and heavy traffic. It would also help limit the spread of exotic plant species into roadless areas.

It is probable that this action will help maintain the integrity of roadless areas for dispersed recreational activities such as hunting and fishing well into the future. We believe it is particularly important to maintain motorized and non-motorized access in roadless areas to support dispersed recreational opportunities. These types of recreational opportunities are dwindling fast in Florida. We were pleased to find language in the DEIS that states "Existing access to hunting and fishing opportunities in inventoried roadless areas would be maintained (page 3-177)."

620 South Meridian Street - Tallahassee - FL - 32399-1600

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

13986

5436

Mr. Mike Dombeck
July 12, 2000
Page Two



SUZANNE N. GUNZBURGER, Chair
Board of County Commissioners

(954) 357-7006 • FAX (954) 357-7295
Email: sgunzburger@broward.org

H I I [] 5

We also support the proposed and preferred procedural alternative whereby local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during the 5-year plan revision process. This process would allow for input from the public and cooperating agencies at the local and state level. We agree with the DEIS that this approach would better afford consideration of the specific ecological and social characteristics of a given national forest.

We appreciate the opportunity to comment on this proposed rule, and we look forward to continued cooperation with the USFS in conserving Florida's fish and wildlife while providing rewarding opportunities for the public to enjoy these important natural treasures.

Sincerely,

Allan L. Egbert, Ph.D.
Executive Director

ALE/W201/nw
WLD 8-5-2
USFS.Roads.wpd

cc: Ms. Marsha Kearney, USFS
Mr. Frank Montalbano
Mr. Brad Hartman

April 12, 2000

CAET RECEIVED

JUN 19 2000

Mr. Michael Dombeck, Chief
United States Forest Service
P. O. Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Florida, I well understand the critical importance of intact and undamaged pristine wilderness areas. The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Although the national forests in Florida have been heavily logged, they still contain 42,000 acres of roadless areas. These remaining areas are essential watersheds for several major rivers, and provide critical wildlife habitat for black bear and the endangered red-cockaded woodpecker. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and roadless areas also protect private property from landslides and flood damage. Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses.

5436

In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will best be served if you succeed in establishing such a strong forest protection policy.

Very truly yours,

Suzanne N. Gunzburger
Suzanne N. Gunzburger
Chair
BROWARD COUNTY COMMISSION

CC: Senator Connie Mack
Senator Bob Graham

07105

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MAR 25 RECD



BOARD OF COUNTY COMMISSIONERS

- 37918 Meridian Avenue - Dade City, Florida 33525
(352) 521-4111 - FAX (352) 521-4105
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(727) 847-8100 - FAX (727) 847-8969

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Chairman
Steve Simon
Vice-Chairman
Sylvia Young
Ann Hildebrand
David "Hap" Clark

May 15, 2000

Mr. Michael Dombeck
Chief, United States Forest Service
P. O. Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As Chairman of the Pasco County Commission, I understand the critical importance of intact and undamaged pristine wilderness areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Although the National Forests in Florida have been heavily logged, they still contain 42,000 acres of roadless areas. These remaining areas are essential watersheds for several major rivers, and provide critical wildlife habitat for black bear and the endangered red cockaded woodpecker. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and roadless areas also protect private property from landslides and flood damage.

The Pasco County Board of County Commissioners urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,
Pat Mulieri
Pat M. Mulieri, Ed. D.
Chairman

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JUN 01 2000

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



2813

MAYOR
BONNIE R. MACKENZIE



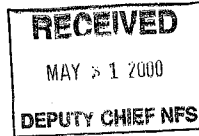
City of Naples

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GARY GALLEBERG
WILLIAM R. MACILVAINE
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PENNY TAYLOR
TAMELA WISEMAN

VICE MAYOR
R. JOSEPH HERMS

May 19, 2000



Mr. Michael Dombeck, Chief
United States Forest Service
Post Office Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing to you to adopt a policy to protect road-less areas in our national forests. As a publicly elected official of Florida, I well understand the critical importance of intact and undamaged pristine wilderness areas.

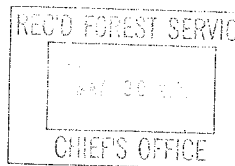
It is essential for our nation to preserve the wild heritage that we have inherited and to allow these areas to have road building, logging, mining, and other destructive practices flies in the face of good sense.

Protecting these scenic wilderness areas also makes sound economic sense. Road-less areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a road-less areas protection policy which protects all road-less areas, 1,000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

CAET RECEIVED
JUN 05 2000

Sincerely,
Penny Taylor
Penny Taylor
City Council Member



cc: U.S. Senators

735 EIGHTH STREET SOUTH • NAPLES, FLORIDA 34102-6796
TELEPHONE (941) 434-4601 • FAX (941) 434-4855
citycouncil@naplesgov.com

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19288

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

CYNTHIA A. MCKINNEY
5TH DISTRICT, GEORGIA
COMMITTEE ON INTERNATIONAL
RELATIONS
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
WESTERN HEMISPHERE
COMMITTEE ON
NATIONAL SECURITY
MILITARY READINESS



Congress of the United States
House of Representatives
Washington, DC 20515-1011

WASHINGTON OFFICE:
124 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-1905
FAX (202) 226-0691
DISTRICT OFFICE:
248 SYCAMORE STREET
SUITE 110
DECATUR, GA 30030
(404) 377-6900
FAX (404) 377-6909
INTERNET ADDRESS:
cymck@hr.house.gov

July 12, 2000

USDA Forest Service-CAET
Attn: Roadless
PO Box 221090
Salt Lake City, UT 84122

Please accept these comments in regards to the Draft Environmental Impact Statement (DEIS) for the U.S. Forest Service Roadless Area proposal.

As you may be aware, I am the lead sponsor of HR 1396, the National Forest Protection and Restoration Act. This bill would bring an end to the current practice of timber harvesting and commercial logging in *all* of our National Forests. While I was excited about President Clinton's initiative to protect the remaining roadless areas of these forests - though only a fraction of the goal I am striving for - I am more than disappointed with the DEIS for this proposal. For the following reasons, I feel that this proposal does not go far enough in protecting our nation's wild lands, and I urge the Forest Service to improve upon the DEIS, and to truly preserve and protect our remaining roadless areas from roads, development and resource extraction.

Primary of my concerns about the DEIS for the Roadless Area proposal is the fact that only areas greater than 5000 acres are to be included. As I stated in my original comments, while this may provide for adequate protection in the western United States, the level and history of development on the East Coast have caused there to be great fragmentation of eastern National Forests. Though the expanse of the West may allow for greater volumes of protection, wildlife species and water quality in eastern forests are perhaps more impacted due to the small parcels of land on which they exist, as well as the greater interface these lands have with human effects. I propose that roadless areas of 1000 acres or greater be included in this proposal, at least on the East Coast, so as to provide for a significant amount of protected lands throughout the country.

Another significant concern I have about the Draft EIS is that it would allow destructive, resource-extracting industry to continue in these areas. While this proposal was focused at ending road construction in our remaining wild lands, the purpose was to afford these areas a level of protection and preservation. Helicopter logging, cable logging, oil, gas and mineral drilling and exploration, off-road vehicle use and the such are not at all compatible with the protection and preservation of our nation's lands, and are arguably equal to road building in their destructive and unnatural character and essentially result in similar impacts on the land.

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PRINTED ON RECYCLED PAPER

DEIS Roadless Area Comments
Page 2

I do agree that ceasing road building in these areas will provide them with protection, but I feel that it is counter-productive to allow these industries to continue operating in areas that are supposedly being preserved for the natural, scenic and pristine qualities. Road building should, therefore, not be the only activity that is banned in the roadless areas - all resource extraction and other destructive activities should also be banned from these wild lands. For these reasons, I support Prohibition Alternative 4.

Finally, I feel that the Roadless Area Proposed Action is not fully inclusive. The Roadless Area protection should not be limited to inventoried roadless areas, but should include all existing roadless areas, both inventoried and uninventoried. As the inventory process may not have included all roadless areas existing at the particular times, it is important that this historic process be as inclusive as possible, and to include all lands that exceed 1000 acres. On the same note, I feel that the Tongass National Forest should also be included. While time has passed with this forest being considered under special rules, I feel that this time should now end. The Tongass is considered by many to be the crown jewel of our National Forest system, it should be given priority protection. Therefore, I do not support any of the proposed alternatives for the Tongass, and instead propose that it be immediately included in the Roadless Area proposal.

While the Forest Service's efforts to protect the remaining roadless areas in our National Forests represents a significant paradigm shift for federal land management, under no terms should the Service back down. There may be a handful of timber companies, conservative organizations and misguided sportsmen who are against this proposal, but their concerns are considerably off base, and their motives questionable. This proposal would only affect 7% of the National Forest timber base, while affecting less than 5% of our entire nation's timber base. Despite some claims, hunting and fishing could only stand to gain and improve from the protection of these roadless, wild areas.

In closing, I would like to commend the Forest Service for its outreach to the public, and for its efforts to gather comments on this momentous effort. As a result, the Forest Service has received a historic number of comments, the vast majority of which support the strongest level of protection for our roadless areas. I urge the Forest Service to adapt its Final EIS to reflect these comments and suggestions, and to insure the greatest level of protection of our roadless National Forest lands.

With warm personal regards, I remain

Sincerely,

Cynthia McKinney
Member of Congress

CM/ell

Loniob C. Barrett, Commissioner
David Waller, Director

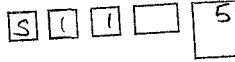
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Georgia Department of Natural Resources
Wildlife Resources Division

2070 U.S. Highway 278, S.E., Social Circle, Georgia 30025
(770) 918-6400

July 14, 2000

Mr. Mike Dombeck, Chief
Forest Service, USDA
Post Office Box 96090
Washington, D.C. 20090-6090



FACT RECEIVED
JUN 17 2000

Dear Mr. Dombeck:

This is in response to the Roadless Area Conservation Proposed Rule and accompanying Draft Environmental Impact Statement as it affects the Chattahoochee/Oconee National Forests in Georgia. Your efforts to responsibly manage roadless areas are appreciated; however, concerns I expressed in my earlier letter on this subject were not addressed by the final rule or the Draft Environmental Impact Statement. Therefore, please consider the attached comments before finalizing the rule.

The Chattahoochee/Oconee Forest Plan Revision has been ongoing for approximately five years. The Forest Service, the public, and our agency have invested a significant amount of time and effort in developing a balanced plan for the Chattahoochee/Oconee Forest based on local and regional needs. Overlaying a national roadless policy on top of local national forest planning efforts, already well underway, would compromise all the input and work done over the past five years by many different entities interested in the future management of our national forests.

We are working closely with the local Forest Service office, and various conservation groups, to achieve a consensus on the best management prescriptions for the inventoried roadless areas, as well as all other national forest lands in Georgia. The national roadless policy will not help develop that consensus, so I recommend that the final rule not apply to the Chattahoochee/Oconee Forest, or to other forests where revision of the local forest plan is already underway.

Additional comments are included in the attachment. Thank you for the opportunity to provide input on this issue. Feel free to contact me if you have any questions regarding our response.

Sincerely,


David Waller

Attachment

cc: Mr. Loniob C. Barrett, DNR
Ms. Elizabeth Estill, USFS
Mr. George Martin, USFS
DNR Board Members

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

13974

Comments by Georgia Wildlife Resources Division
On the
**Draft Environmental Impact Statement and
Proposed Roadless Area Conservation Rule**
July 13, 2000

The Chattahoochee/Oconee National Forests comprise the largest public hunting, fishing and outdoor recreation land base in Georgia (749,000 acres in the Chattahoochee and 115,000 acres in the Oconee Forest). The national roadless area policy, the local forest plan and all other federal management decisions affecting the two forests are of crucial interest to the Wildlife Resources Division (WRD) of the Department of Natural Resources and to the constituent groups the agency represents. WRD is vested with the statutory authority to manage and regulate all resident wildlife species that occupy national forest lands and waters. Management plans for the Chattahoochee Forest are of particular concern because there we operate 11 wildlife management areas (WMAs) totaling 314,500 acres under a cooperative agreement with the U.S. Forest Service. In addition, 1,350 miles or 31% of the state's trout streams occur on the Chattahoochee Forest. Through license fees and federal funds, hunters and anglers have invested millions of dollars into resource management activities on the forest for more than 70 years.

In the fall of 1995, Chattahoochee/Oconee National Forest officials began gathering public input for the revision of their forest plan through a series of public meetings and solicitation of written comments. The U.S. Forest Service (USFS), the public, and our agency have invested a significant amount of time and effort toward the development of a balanced plan for the Chattahoochee/Oconee Forest based on local and regional needs. **The proposed roadless rule compromises and disrupts local forest planning efforts.** That planning process remains quite a contentious undertaking, the success of which may be adversely affected by implementation of a national roadless rule that injects new issues into the debate. Imposing a national roadless policy on top of local national forest planning effort, already well underway, would compromise all the input and work done over the past five years by many different entities. The Chattahoochee National Forest plan revision was well on its way to completion in 2000, but now appears to have been delayed likely as a result of the reassignment of Forest Service planning staff and funds to the national roadless initiative.

We are concerned that the proposed national prohibition rule is a "one size fits all" approach that does not serve the best interests of Georgians who use the national forest, and may not allow for the future habitat management needs of wildlife that dwell in our inventoried roadless areas. Although we do not advocate more permanent roads in the inventoried roadless areas of the Chattahoochee National Forest, we do support retaining traditional recreational access roads for forest users and allowing limited timber management for the purpose of wildlife and plant community enhancement. The forest planning process, while not yet completed, is likely to provide for continuing the roadless character of most of Georgia's inventoried roadless acres, while also retaining some habitat management options. The national rule may very well hinder resolution of the key issues that remain to be resolved in the final version of the plan.

If the roadless policy really represented a final management prescription for the tracts of land in question, wildlife management advocates might have fewer concerns. However, past practices suggest that the roadless area rule may be used simply as a stepping-stone to additional wilderness area designations, which would severely restrict future wildlife management flexibility in the Chattahoochee National Forest and elsewhere. Despite assurances to the contrary, there is reason to

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be concerned that most inventoried roadless areas will become off limits for wildlife enhancement activities in order that those areas remain available and eligible for future wilderness designation. Although Congress legally designates wilderness areas, the initiative for such action typically originates from the USFS and/or preservation groups. For example, the EIS (page 1-13) states, "local responsible officials...would retain discretion to consider appropriate additional management protection for inventoried roadless areas." Forest planning instructions given to Region 8 personnel by the Regional Forester state "throughout the development of the rolling alternative, all of the inventoried roadless areas will be considered and evaluated for wilderness recommendations using potential wilderness criteria." This seems to clearly indicate that most roadless areas will eventually be proposed for wilderness designation. The Rolling Alternative Draft Plan for the Chattahoochee/Oconee Forest reflects that direction in that 33,800 acres of the 63,000 in roadless areas are recommended for wilderness study areas, and additional tracts are placed in other categories that would restrict habitat management opportunities. Some preservationist groups are not satisfied even with this acreage of proposed new wilderness, and are advocating strongly for additions. The national roadless rule will no doubt increase their demands.

For the above reasons, we recommend that the roadless rule not apply to national forests where revisions to the forest plan are already underway.

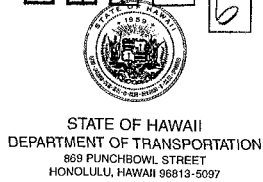
Alternative B for procedural rules to guide assessment of smaller unroaded areas would direct the USFS to consider these tracts during the next forest plan revision. It acknowledges the role that local conditions play in site assessment, stating (page 2-19): "Each area must be considered within the context of the local land use patterns, vegetation, wildlife, and social needs." Unfortunately, a minimum tract size was not established, which could open a vast majority of small tracts to nomination (and litigation, if the USFS has the administrative will to manage some sites for multiple use). A second shortfall of the procedural alternatives analysis was a lack of acknowledgement of potential effects to multiple-use areas from the transfer of unroaded tracts to a stricter management prescription. A minimum acreage standard (possibly 2,500 acres) would be highly desirable for the "smaller unroaded areas." **With a minimum acreage added, the Wildlife Resources Division supports Alternative B for procedural rules.**

There seems to be an inherent bias in some of the effects analyses in the EIS, and this needs to be corrected in the final draft. There is a distinct slant or weighting of some text sections to describe the benefits of the preferred alternative, with little discussion of costs or of the benefits derived from a managed forest. There also is little description of the regional differences in responses to proposed alternatives. For example, the argument of landscape fragmentation as a result of road construction and timber harvest (page 3-56) has simply not been demonstrated for the Chattahoochee National Forest, so this justification for the need for a national roadless rule may not apply to local conditions. The alleged benefits of roadless areas to terrestrial wildlife are detailed (pages 3-69 to 3-73), but there is little documentation (one-half sentence on page 3-72) of the comparison to managed forests, which, in some cases, may actually provide better wildlife habitat conditions. In fact, there is a selective use of the literature to build the case for road prohibition. While "remoteness from human activity is a key characteristic of black bear habitat" is stated (page 3-70), Georgia black bear data indicate that forest roads are not a deterrent to bears, and may in fact provide critical soft mast during years of hard mast shortage. Similarly, the effects analysis for hunting and fishing (pages 3-173 and 3-174) described the adverse effects of the no-action alternative on some wildlife species, but failed to describe the beneficial effects of a managed forest on other wildlife species such as whitetailed deer and wild turkey.

The Georgia WRD acknowledges the effects of poorly maintained roads on aquatic species and their habitats, and generally agree that few, if any, new roads should be constructed if the USFS cannot maintain the roads it already has. Whether a national prohibition on roads in all roadless areas is the best approach to addressing aquatic habitat damage is open to debate. We believe that analysis at the project or forest level, through the local forest planning process, is the most appropriate method to resolve such issues. The benefits of road prohibition to the water quality of streams serving as municipal water sources are exaggerated. When compared to private lands, there is not enough difference in drinking water quality from a managed forested watershed versus a roadless forested watershed to justify the extreme approach of a national roadless policy. A more balanced review of effects would lend greater credibility to the EIS. The section on Recreation, Scenic Quality, Wilderness, and Recreation Special Uses (pages 3-166 to 3-172) provides an example of a balanced, detailed analysis.

The EIS constantly refers to "protection" of USFS lands and infers that "protection" and "management" are mutually exclusive. It does not read like an objective assessment of impacts authored by a federal land management agency. The tone of this document suggests that historical management of national forest lands has been poor, when in fact the USFS has had an exceptional track record of natural resource stewardship, especially in light of the fiscal and political pressures it has faced. This bias toward the preservation viewpoint, in presentation and terminology, needs to be eliminated from the final EIS.

BENJAMIN J. CAVETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

June 28, 2000

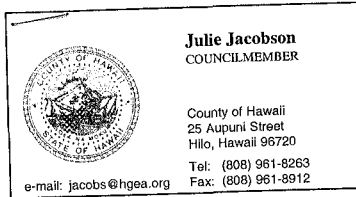
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JUN 30 2000

KAZU HAYASHIDA
DIRECTOR

DEPUTY DIRECTORS
BRIAN K. MINAJI
GLENN M. OKIMOTO

IN REPLY REFER TO:
STP 8.9596



Julie Jacobson
COUNCILMEMBER

County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Tel: (808) 961-8263
Fax: (808) 961-8912

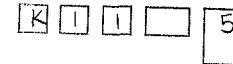
e-mail: jacobs@hgea.org



COUNTY COUNCIL

25 Aupuni Street
Hilo, Hawaii 96720

13967
PHONE: 961-8263
FAX: 961-8912



CAET RECEIVED

JUN 17 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Sirs:

Subject: Forest Service Roadless Area Conservation
Draft Environmental Impact Statement

Thank you for the opportunity to provide comments.

We have no comments to offer for Hawaii has no inventoried roadless areas.

We appreciate the opportunity to provide comments.

Very truly yours,

KAZU HAYASHIDA
Director of Transportation

July 12, 2000

Mike Dombeck
USDA Forest Service - CAET
P. O. Box 221090
Salt Lake City, UT 84122

Attention: Roadless Areas Proposed Rule

Dear Mr. Dombeck:

Thank you for this opportunity to comment on the Roadless Area Proposed Rule.

I endorse the following:

1. Alternate #4 from the Forest Service Draft Environmental Impact Statement Summary and Proposed Rule. Alternative #4 states, "Prohibit Road Construction, Reconstruction and All Timber Harvest with Unroaded Portions of Inventoried Roadless Areas."
2. Prohibition of road construction, reconstruction and all timber harvest within all "other roadless areas (as defined by the Forest Service Roadless Area Conservation Draft EIS, page S-6)".
3. Withdrawal of mining rights from all inventoried roadless and other roadless areas.
4. A moratorium on all road construction and reconstruction within all inventoried roadless areas and other roadless areas and a moratorium on all new contracts for timber harvesting and mining within those areas, until the proposed rule for roadless area conservation is finalized.

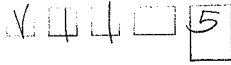
Thank you for your attention to this most important matter: protection of national forest lands within the roadless areas, especially for future generations.

I appreciate your inclusion of these remarks as testimony on the above subject.

Sincerely,

JULIE JACOBSON

District 6 -- Upper Puna, Ka'u & South Kona



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Statement of Senator Mike Crapo JUL 17 2000
Regarding the draft Roadless Area Conservation Initiative

Idaho has the largest amount of National Forest System land in the lower forty-eight states. Obviously, we will be greatly affected by the President's proposed roadless initiative. As such, it is vital that all Idahoans make their feelings known to the Administration regarding the proposed rule.

Clearly, we have a responsibility to preserve, protect, and enhance our national forests. However, highly centralized government regulation is not the best way to achieve these goals. Such regulation too frequently places the myriad environmental, recreational, and resource values of our public lands in direct opposition to one another. While we can all agree that the inherent value of roadless areas need to be preserved, what is at issue in this roadless rule is not protection of our forests, rather it is the public process for making these decisions. The intent of the rule is laudable; however, how it is implemented and how it is derived is of great concern to me. I do not subscribe to the Administration's approach of a top-down decree to protect roadless areas. Local land managers, in concert with interested parties, are best able to determine how to protect these areas—not Washington bureaucrats.

Proper and effective stewardship of our public lands will arise not from federal dictates, such as the roadless directive, but from locally-led collaboration among public land managers and the people who enjoy and depend on public lands. I am confident that such community-based discussions can produce consensus-based solutions that respect public access, multiple uses, and the environment by building on the knowledge that local communities have about the public lands that literally comprise their backyards.

However, beyond my concern about big government decision-making, I am concerned that this proposal will not allow for adequate, informed public participation. The Forest Service is in the midst of a number of rule-makings that will impact, or be impacted by, the roadless rule. How will the roadless rule interact with the proposed road management policy, with the strategic plan, and other regional plans? Without this information, how can the public be asked to make meaningful comments? Additionally, it is my understanding that a number of people have requested copies of the Draft Environmental Impact Statement, and have not received it. How can the public be asked to comment on the rule when many have not yet received copies of the proposed rule? The broad scope of this rule requires that the public is given adequate time to both review the rule and comment on its merits.

I expressed concern during the initial scoping process that the Administration did not allow enough time for the public to comment on its proposal. While I reiterate my concern that the public was not allowed to play enough of a role in developing the alternatives, I am extremely concerned that the Administration will not allow enough

time for the public to review and comment on its proposed DEIS. This rule should not be forced through for the sake of political expediency at the risk of harming both the public process and the health of our forests. It is important that Idahoans, and all Americans, have the opportunity to understand the details of the proposal, including specific affected areas and potential restrictions.

Given this philosophy, I hope that all Idahoans will continue to play a role throughout this process. The serious implications of this rule for Idaho's forests and the communities that rely on them for their recreation and livelihood necessitate that the process is carried out in a responsible manner. This includes allowing adequate opportunity for the affected public to provide meaningful comments on the proposed rule. This requires that Idahoans make their concerns known and that these concerns are listened to by the Forest Service. Anything short of this will make the process and the product a target for criticism and provide additional grounds for arguments that the Administration did not give enough consideration to regional concerns. This would be a disservice to the Forest Service, the citizens of the Idaho, and the forests.



DIRK KEMPTHORNE
GOVERNOR

AL LANCE
ATTORNEY GENERAL

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July 14, 2000

Dr. Michael P. Dombeck
Chief
United States Forest Service
Via: USDA Forest Service CAET
Attention: Roadless Area Proposed Rule
P.O. Box 22190
Salt Lake City, UT 84122

RE: Forest Service Roadless Area Conservation Draft
Environmental Impact Statement (DEIS) **CAET RECEIVED
JUL 17 2000**

Dear Chief Dombeck:

Enclosed please find a copy of the State of Idaho's written comments on the Roadless Proposal Draft Environmental Impact Statement (DEIS).

The State of Idaho is in a unique position to attest to the impacts of the proposed roadless area conservation rules. The Forest Service proposed to prohibit road construction on 46 million acres of inventoried roadless areas. Over nine million of those acres, or one in five, lie within Idaho. Indeed, of the 50 States, Idaho contains the greatest number of acres which will be affected by the proposed rules. Idaho is also the State with the highest percentage of inventoried roadless areas. Seventeen percent of Idaho's lands lie within inventoried roadless areas, nearly triple that of the next-nearest state. Accordingly, we urge that you give proper and significant weight to the enclosed comments from the most impacted state in the nation, Idaho.

Idaho has asked for an extension of the sixty-day DEIS comment period. You will recall that during the scoping phase, Idaho asked for a similar extension of time to comment. We did not receive a response from your agency. The Conference of Western Attorneys General (CWAG) also requested an extension of the scoping comment period, but did not receive a response until June of 2000, over five months after the scoping period ended. The CWAG recently made a similar request for the DEIS comment period. Idaho urges an extension be granted for review and comment on the DEIS.

Dr. Michael P. Dombeck
July 14, 2000
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Idaho has also asked for maps and mapping criteria for all National Forests in Idaho through the Freedom of Information Act (FOIA). We have not received a response from your office. This is the second time during the Roadless Proposal process that the Forest Service has failed to comply with its FOIA regulations relative to a request from Idaho. Accordingly, the State of Idaho's comments are once again based on an evaluation of incomplete information conducted within a compressed timeframe.

We are deeply troubled that your agency has not provided accurate maps of the land that will be shut down by this proposal. Accurate maps of all inventoried areas are not available. There are *no maps* of the uninventoried areas. United States District Court Judge Edward J. Lodge warned the Forest Service that public review and comment will "hardly be meaningful" without these maps. It is beyond question, both as a matter of common sense and law, that a proposal impacting land management and use must begin with a map showing *what land* will be impacted. At a minimum, this process should proceed no further until such basic information is made available for public review and comment.

President Clinton hailed this proposal as one of the biggest National Environmental Policy Act (NEPA) proposals of all time. Idaho agrees that this is a massive proposal, but it will have potentially devastating impact on public schools and the children, as well as local economies. The Idaho Department of Lands has estimated lost income to public schools in Idaho will reach \$163 million over the first 30 years. The impact on our children and the lack of basic information are the two best reasons you have to take this "historic" proposal off the fast track and out of election year gamesmanship. One of the biggest NEPA proposals of all time must be put to a test of public review and comment of equally historic magnitude.

We look forward to your response to our concerns.

Very truly yours,

DIRK KEMPTHORNE
Governor
State of Idaho

ALAN G. LANCE
Attorney General
State of Idaho

Enclosure

cc: Senator Larry Craig
Senator Mike Crapo
Representative Helen Chenoweth-Hage
Representative Mike Simpson

COMMENTS

to:

Forest Service Roadless Area Conservation
Draft Environmental Impact Statement

Submitted on behalf of the

STATE OF IDAHO

by:

Governor Dirk Kempthorne
Attorney General Alan G. Lance**1. Rush to Judgment:****In its rush to meet politically-mandated deadlines, the Forest Service has trampled both the letter and the spirit of the National Environmental Policy Act.**

From the start, the Roadless Protection Initiative has been a rushed affair. On October 13, 1999, President Clinton directed the Secretary of Agriculture 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.” Just six days later, on October 19, 1999, the Forest Service caused the NOI to be published in the Federal Register. In a letter to Forest Service staff dated October 28, 1999, Forest Service Chief Michael Dombeck, without explanation, directed his staff to expedite the procedures required by the National Environmental Policy Act (NEPA), authorizing them to “take whatever executive actions are necessary” to complete the draft environmental impact statement (DEIS) by March 2000, and warning them that “[w]e cannot afford to waste a single day.” Dombeck also noted that “this effort will require a major dedication of human and financial resources,” and that “other important work may be delayed as a result.” *Id.* at 3.

The process was error-ridden from the start, beginning with the Forest Service’s decision to ignore the scoping guidelines published by the Council on Environmental Quality (CEQ). The guidelines warn against initiating scoping “until the agency knows

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enough about the proposed action to identify most of the affected parties, and to present a coherent proposal and a suggested initial list of environmental issues and alternatives.” CEQ, General Counsel Scoping Guidance at App. M-4. Certainly, this guideline was violated. Many parties have commented that the NOI was poorly written and incoherent, and did not provide accurate guidance as to the true nature of the proposed actions described therein.

The CEQ guidelines also suggest that the agency “should put together a brief information packet consisting of a description of the proposal, an initial list of impacts and alternatives, maps, drawings, and any other material or references that can help the interested public to understand what is being proposed.” *Id.* The “purpose of the information is to enable participants to make an intelligent contribution to scoping the EIS.” *Id.* at App. M-4 and M-5. Development of the information packet is supposed to occur before issuance of the NOI. *Id.* at App. M-6. Here, it did not. The Forest Service never developed, or at least did not make available to the State of Idaho (hereinafter “State”), the suggested information packet. Indeed, aside from the NOI, the State was not able to obtain any further details on the proposal until the public scoping meetings hosted by each national forest within Idaho. But even these meetings did not provide sufficient information to allow preparation of meaningful comments, and what little information was provided came too late to be of use. Of the ten scoping meetings held within Idaho, all were held less than twelve business days before the deadline for submitting scoping comments, and some were held only three business days before the comment deadline. Thus, while the NOI purported to establish a sixty day period for public comments, the reality was that the State’s opportunity to provide comprehensive comments relating to the impact of the proposed rules on state lands and other state interests was less than a week, and even then the information was woefully incomplete.

The lack of any meaningful scoping opportunities led Idaho to file suit in federal district court to enjoin the NEPA process and allow time for meaningful participation by the State. Idaho’s action was ultimately dismissed because the district court decided the matter would not be ripe for adjudication until completion of the EIS. Nonetheless, the district court was clearly skeptical as to whether the Forest Service had complied with NEPA requirements:

As stewards of the federal funds being expended to complete the NEPA process on the proposed action, the Forest Service should make every effort to ensure that the process is properly implemented with reasonable time frames to allow meaningful participation by the public. It appears at least arguable to this Court that the Forest Service may be inviting error

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and a necessary review of its action by ignoring the objections of the Plaintiffs for a meaningful scoping process.

A central purpose of the NEPA process is to provide full disclosure of relevant information to allow meaningful public debate and oversight. When the areas contemplated to be roadless are not defined or shown by way of maps or otherwise illustrated, one does not have to be learned in the law to determine the public's participation will hardly be "meaningful." The State's concerns over access to and management of its endowment and state forest lands that may be surrounded by national forest land are legitimate concerns of state and local governments and its citizens.

The sheer magnitude of this governmental action involving 40 to 60 million acres nationwide that precipitated 500,000 comments in sixty days is the best evidence the Forest Service should proceed with caution. Time is not of the essence on an issue that has been studied for over 30 years. The public needs to be informed to meaningfully participate. An argument suggesting the Court is required to give due deference to agency action and expertise is likely to ring hollow unless the Forest Service does what it says it will do and that is give due consideration to new comments and issues that may be raised both during the draft EIS comment period as well as at the time the final EIS is issued.

State of Idaho v. United States Forest Service, Case No. CV99-611, slip op. at 10-11 (Dist. Idaho February 18, 2000).

Despite the court's admonishment, the Forest Service has rushed the preparation of the DEIS and has artificially truncated the time available for the State and the public to analyze the DEIS and provide comments thereto. The result has been a shallow mockery of the NEPA process that omits public input critical to a reasoned discussion of the potential impacts of the proposed actions.

2. Federalism:

The Forest Service has failed to provide the States opportunities for meaningful input into the decision-making process.

The Forest Service concludes that the proposed rule "will not have any substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of

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government." DEIS at A-24. Therefore, the agency concludes that "no further assessment on federalism implications is necessary at this time." *Id.*

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How the Forest Service could reach such a conclusion is beyond comprehension. A land-management agency cannot fundamentally change the management directives for untold millions of acres of land, with unavoidable consequences for forest health, without impacting both adjacent state lands and state sovereign concerns. Indeed, this very principle has recently been embodied in the proposed changes to the Planning Rules. The Forest Service would be well-advised to heed its own words:

In every sector of the country, the Forest Service is just one important agency among many important governmental and private entities and land ownerships. Some of these agencies have statutory authority affected by the national forests and their resources. Other agencies, governments, corporations, and citizens manage land in and around the national forests and grasslands. Still others have a keen interest in the national forests and can affect the way the public views Forest Service action. Sustainability of watersheds and other natural areas in which national forests and grasslands are located will inevitably depend upon activities on nearby federal lands, tribal lands, and state lands, and private lands and on the actions and attitudes of a wide variety of agencies, governments, and citizens. . . . The planning process, therefore, must be outward-looking. It must have the goal of understanding the broader landscape in which the national forests lie. And, it must strive to achieve the highest ideals in managing public lands within the context of how people, businesses, and governments will conserve, regulate, and use lands within and around the national forests and grasslands.

.....
Planning proceeds from start to finish in close cooperation with state, tribal, and local governments. Success in achieving goals for the national forests and grasslands may depend upon decisions made by other jurisdictions.

National Forest System Land and Resource Management Planning; Proposed Rule, 64 Fed. Reg. 54,074, 54,096-97 (October 5, 1999).

Unfortunately, the Forest Service's actions during the Roadless Protection Initiative effort suggest that the agency's lofty goal of closer cooperation with state governments remains an unfulfilled promise. Instead of making a special effort to seek state input and to utilize state expertise in natural resource management, the Forest Service has actively sought to thwart state input.

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The Forest Service's shabby treatment of the States cannot be justified. The States have special interests in the management of the national forests. Indeed, the States are the Forest Service's partners in management of the public lands. It has been repeatedly recognized that States retain civil and criminal jurisdiction over federal lands, subject only to Congress' power to pass preemptive legislation pursuant to the Property Clause. *California Coastal Commission v. Granite Rock Co.*, 480 U.S. 572, 580-81 (1987); *Wilson v. Cook*, 327 U.S. 474, 487 (1946). State authority over natural resources on federal lands manifests itself in various ways. For example, it has been recognized that "[u]nquestionably the States have broad trustee and police powers over wild animals within their jurisdictions." *Kleppe v. New Mexico*, 426 U.S. 529, 545 (1976). States may tax timber and other resources extracted from national forests. *Wilson v. Cook*, 327 U.S. 474 (1946). States can impose environmental regulations on mining operations on national forest lands. *California Coastal Commission*, 480 U.S. at 592-93. States regulate the appropriation and use of water resources within national forests, both by individuals and, in many instances, by the Forest Service itself. *United States v. New Mexico*, 438 U.S. 696 (1978).

In addition to their sovereign interests in natural resources management, many States, such as Idaho, own significant amounts of lands either within or immediately adjacent to the national forests. For example, each state owns the beds and banks of all navigable waters within the national forests, giving them a unique interest not only in actual uses of the waterways, but also in management activities on adjacent national forest lands that may affect such waterways. Many States also own significant amounts of forest uplands. For example, Idaho owns 2,367,000 acres of school endowment lands, the proceeds of which are dedicated to the support of public schools. Many of Idaho's school endowment lands are adjacent to national forest lands, and at least 54,000 acres of Idaho's school endowment lands are dependent on national forest lands for access. Because Idaho's school endowment lands and national forest lands exist in close proximity, any action that negatively affects forest health on national forest lands necessarily impacts the health of Idaho's school endowment lands. Insect outbreaks and catastrophic wildfires do not respect boundary lines.

The principle that the States should be heavily involved in the preparation of regulations affecting the environment of the national forests is embodied in federal statutes and regulations. NEPA requires consultation with "State . . . agencies . . . which are authorized to develop and enforce environmental standards . . ." *California v. Block*, 690 F.2d 753, 776 (9th Cir. 1982)(quoting 42 U.S.C. § 4332(2)(C)). NEPA also provides that its provisions do not "in any way affect the specific statutory obligations of any Federal agency . . . to coordinate or consult with any other Federal or State agency . . ."

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42 U.S.C. § 4334. One such obligation is embodied in 16 U.S.C. § 1612, which provides as follows:

In exercising his authorities under [the National Forest Management Act] and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

16 U.S.C. § 1612(a).

Under the NEPA and the National Forest Management Act (NFMA), the Forest Service is required to consult with the State in the formulation of standards, criteria and guidelines for management of national forest lands. Regulations promulgated by the CEQ require that the lead agency shall . . . [invite] the participation of affected Federal, State, and local agencies . . ." 40 C.F.R. 1501.7(a). Indeed, only recently the CEQ wrote a letter "to urge agencies to more actively solicit in the future the participation of state, tribal and local governments as 'cooperating agencies' in implementing the environmental impact statement process . . ." George T. Frampton, Jr., Memorandum of July 28, 1999, re: *Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act*.

In defiance of its statutory obligations, the Forest Service has made no special effort to involve the States in the Roadless Protection Initiative. For example, at public scoping meetings, the State of Idaho, which represents the collective interests of over one million citizens, was given three minutes to comment on a proposal that directly impacts over 9 million acres of national forest lands within Idaho, and indirectly impacts countless additional acres of lands both within and without Idaho's national forests. Three minutes was the measure of the State's opportunity for "meaningful participation."

The Forest Service's failure to coordinate or consult with the States was also reflected in its treatment of the written comments submitted by the States. In the analysis of written comments by the Content Analysis Enterprise Team (CAET), no special effort was made to break-out the comments of the States. . . . Rather, comments by state representatives were lumped together with all other comments. Many of the concerns expressed by the States are not even reflected in the summary of comments. For example, Idaho and many other states expressed specific concerns about the impact of the proposed rules on management of state school endowment lands. Yet there is not a single mention of school endowment lands in either the summary of comments or the DEIS.

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And, in the preparations leading up to issuance of the NOI, the Forest Service made no effort to involve the States, choosing instead to work secretly with special interest groups that would further the agency's political agenda. The Forest Service and the public would have been better served if the Forest Service had sought the input of a broad spectrum of interests and extended the States the same courtesy it extended to a few select special interest groups.

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3. Forest Health:

The preferred alternatives will have dire and unacceptable consequences for forest health, especially in the interior West.

Since the inception of the United States Forest Service, fire suppression has been a primary goal of the agency. The success of the Forest Service's fire suppression efforts is widely touted, and rightfully so. An unintended and ironic consequence of the agency's efforts, however, has been fundamental changes in both forest composition and structure that have placed forests in the interior West at a greatly increased risk of catastrophic wildfire. The effects have been exacerbated by the agency's failure to actively and correctly manage national forest lands. Sparse stands of fire-resistant species have been displaced with dense stands of fire-susceptible species which, as forest health declines, die off and form fire ladders that create favorable conditions for fast-spreading, catastrophic wildfires that result in wide-spread destruction. Many of the lands at high risk of future catastrophic wildfires are located in the lower-elevation forests of the interior West historically dominated by ponderosa pine.

The recent Cerro Grande fire in Los Alamos, New Mexico, is but the latest example of the impending crisis. Idaho has itself suffered a number of large, catastrophic fires in recent years, exacerbated by the lack of access to many portions of Idaho national



forests for fuels management and fire suppression. The recent Boise Foothills Fire, pictured here, is an example of what Idaho will be subjected to in future years if the Forest Service's misguided roadless area "protection" policies are adopted.

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In 1999, the General Accounting Office (GAO), at the request of the House Subcommittee on Forests and Forest Health, reviewed forest health issues on national forests of the interior West. The result was GAO Report 99-65, entitled *Western National Forests: A Cohesive Strategy Is Needed to Address Catastrophic Wildfire Threats* (hereinafter GAO Report 99-65). According to GAO Report 99-65, the Forest Service in 1997 announced the goal of resolving the problem of uncontrollable, catastrophic wildfires on national forests by the end of fiscal year 2015. The report noted that after declining for 75 years, the average number of acres burned by wildfires on national forests began to rise in the last decade. This rise in the number of acres burned annually is confirmed in Figure 3-26 of the DEIS. The Report also concludes that in future years, more acreage will be burned on an annual basis unless the Forest Service moves aggressively to reduce accumulated fuels. The GAO's conclusions are acknowledged in the DEIS at 3-150.

The GAO further noted that the "window of opportunity" for taking management action to address the problem of catastrophic wildfires was only about 10-25 years. The GAO concluded that a cohesive strategy had to be developed and implemented to address the problem of fuel reduction. The Forest Service, in its comments to the GAO Report, accepted "the recommendations of the report regarding the development of a cohesive strategy for reducing and maintaining accumulated fuels on national forests of the interior West at acceptable levels." GAO Report 99-65 at 50.

In light of the Forest Service's acknowledged need for a cohesive fuel reduction strategy, the present proposal to immediately implement a comprehensive ban on management options that may require road construction within uninventoried roadless areas is premature. As noted in the GAO report, in order to effectively reduce accumulated fuels, emphasis must be shifted to the removal of the smaller trees and brush that dominate many modern forest stands. Such fuel management can be a net environmental benefit: as noted in the DEIS, reduction of "accumulated fuels in ponderosa pine forests in the Intermountain West may conserve local biodiversity by: increasing the survival of large, old growth pines following wildland fires; reducing mortality from moisture stress; reducing insect and disease outbreaks in stressed stands; restoring fire dependent herbs and shrubs; and restoring the historical fire regime." DEIS at 3-58 and 3-59. Because the materials removed are often of reduced commercial value, one of the primary factors determining whether such removal will occur are the costs associated with gaining access to the area where the work is to be performed. It is axiomatic that the implementation of rules foreclosing roaded access to those stands in need of treatment will result in less acres being treated for fuel reduction. By foreclosing management options that may be the only cost-effective method of reducing fuels in

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many areas of the national forests, the proposed rule poses an unacceptable risk to the people and resources of the interior West.

Unfortunately, the DEIS, by focusing its analysis on the potential for catastrophic wildfires within inventoried roadless areas, woefully understates the actual impact of the proposed actions. As noted in the DEIS, the majority of inventoried roadless areas in the intermountain West are higher-elevation forest types. DEIS at 3-66. By nature, such areas are less susceptible to catastrophic wildfire. Thus, the statistics cited in the DEIS tend to show the impact of the proposed actions in their most favorable light. But, the DEIS totally ignores the increased risk of catastrophic wildfire posed by the so-called procedural alternatives which are intended to restrict access to smaller unroaded areas that are currently uninventoried. It is easy to determine that the majority of the areas potentially subject to restrictions under the procedural alternatives are lower-elevation, denser forests, that are far more susceptible to catastrophic wildfires than existing roadless areas. The procedural alternatives will restrict the available means of entering such areas, and make the cost of vegetation removal prohibitive, thereby ensuring that such areas remain at risk of catastrophic wildfires. Such risk is further exacerbated by the proposed Road Management Strategy, 65 Fed. Reg. 11,676 (March 3, 2000), which by emphasizing decommissioning of roads, will result in further restrictions and render removal of excess vegetation economically impossible. Such affects are partially acknowledged in the DEIS:

Final implementation of the proposed procedures . . . would also cause some unavoidable adverse effects if local responsible officials further reduce road construction and timber harvesting in those additional manageable areas covered by the procedures. This reduction could potentially further reduce the number of acres treated for forest health and fuels management.

DEIS at 3-243. This one-paragraph summary, however, does nothing to inform decision-makers of the potential impacts of the proposed actions. For example, the decision-maker has no way to assess the possible number of acres that would be subjected to catastrophic wildfires as a result of the reduced number of acres treated for forest health and fuels management. The decision-maker is also not informed that such effects may be exacerbated by the fact that many "unroaded" areas are in lower-elevation, denser forests that are already at increased risk of catastrophic wildfire. The decision-maker is also not informed that connected actions may result in the decommissioning of forest roads, further reducing access to lower-elevation forests for purposes of fuel management and fires suppression.

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The draft DEIS attempts to mitigate concerns over the potential impact of the proposed action on management actions needed to prevent catastrophic wildfires by noting that proposed Section 294.12(b)(1) allows roads to be constructed in unroaded areas where "needed 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." But, the DEIS fails to note that under other proposed rules, road construction in both roadless and unroaded areas requires the preparation of an environmental impact statement, a requirement that will remain in place until a road analysis is incorporated into the applicable forest plan. *National Forest System Road Management and Transportation System; Proposed Rule and Notices*, 65 Fed. Reg. 11,676, 11691 (March 3, 2000). Given the time necessary to prepare a DEIS, it is unlikely that roads could be built in time to address an imminent threat of fire.

4. Inflexibility:

The proposed action imposes a "one size fits all" prescriptive direction on situations where management decisions should be made by local managers with local input.

In assessing the impact of the Protection Alternatives and the Procedural Alternatives, the DEIS focuses almost exclusively on nation-wide or system-wide impacts. There is little discussion, if any, regarding the impacts of the proposed rules on specific roadless and unroaded areas. This broad-scale approach to roadless area management has been rejected before, when the Ninth Circuit Court of Appeals struck down the RARE II allocation of roadless areas to specific management schemes. One of the primary reasons given by the court was the Forest Service's failure to perform a "reasonably thorough site-specific analysis of the decision's environmental consequences." *California v. Block*, 690 F.2d 753, 765 (9th Cir. 1982).

Ironically, the Forest Service itself has recently recognized that broad-scale prescriptive mandates ignore localized environmental needs and impacts. In the Supplemental Draft EIS for the Interior Columbia Basin Ecosystem Management Project (ICBEMP), the Forest Service concluded that "the mid scale is an important scale for addressing management of ecosystem components, because many important relationships and patterns are evident only at the mid scale." ICBEMP Supp. DEIS at 3-42. Given "the variability of conditions within the interior Columbia Basin," the Forest Service adopted directions that were "outcome-based rather than prescriptive," to "ensure that site-specific decisions implement broad-scale, outcome-based direction, which giving

State of Idaho Comments: Page 10 of 23.

managers the discretion necessary to select the action that also fits the situation on the ground." *Id.* at 3-43. 18645

If the variability of conditions in the interior Columbia Basin requires site-specific decisions, such need is even greater when addressing roadless area management on a nationwide basis. This fact is recognized in the proposed rules for National Forest System Land and Resource Management Planning, 64 Fed. Reg. 54,074 (October 5, 1999). The proposed Planning Rules emphasize the need for forest management decisions to incorporate both broadscale assessments and local analysis, typically at a watershed level. 64 Fed. Reg. at 54,081.

By unilaterally ruling out road construction, and the management actions dependent on road construction, for large swaths of the nation-wide landscape, the Forest Service is violating the very principles it espouses in the ICBEMP and the proposed Planning Rules. If the Forest Service is truly sincere in its desire to protect those portions of the national forest system that currently remain roadless, it should abandon its misguided and politically-oriented mandates in favor of a more flexible system establishing outcome-based directions that leave local managers the discretion to select actions that best fulfill identified goals and address localized forest health situations.



5. Impacts on Idaho:

The DEIS, by taking a national approach to the issue of potential environmental impacts, ignores localized environmental and economic impacts that hit the States of the intermountain West especially hard.

The one-size-fits-all approach to roadless area management ignores the particular forest health needs of Idaho's forests, while glossing over impacts that hit Idaho harder than other areas. Of all 50 States, Idaho, with over 9.2 million acres of inventoried roadless areas affected by the prohibition alternatives, will suffer by far the greatest impact from the proposed rules.¹ The next closest State is Montana, with over 5.8 million acres of inventoried roadless areas, many of them adjacent to Idaho's borders.

¹ Although Alaska has a greater number of roadless acres, most of them are exempted from the proposed rules.

In addition to its large number of roadless areas, Idaho suffers greater impacts because many of its forests area put at particular risk by proposals that prevent active management of forest health. The proposed ban will have a greater adverse impact on forest health in the interior West as opposed than in other regions of the country. Since 1990, 91% of the large fires on national forest lands (over 1,000 acres) were in the interior West. GAO Report 99-65 at 29. The annual number of such fires quadrupled between 1985 and 1995. The Intermountain Region also had the highest number of fire starts within inventoried roadless areas. DEIS at 3-152. Next to Montana, Idaho had the highest number of acres within inventoried roadless areas at moderate to high risk of catastrophic wildfires. DEIS at 3-104. Clearly, the need to address the risk of catastrophic wildfires within Idaho unroaded areas is more pressing than in other portions of the nation. 18645

The economic impacts of the proposal also hit Idaho especially hard. For example, within the lower 48 States, the two regions with the most miles of planned road construction within inventoried roadless areas are the regions that include Idaho, Regions 1 & 4. DEIS at 3-10. Region 4 will suffer from the largest reduction in timber harvest, DEIS at 3-185, and the largest loss of direct jobs. EIS at 3-186. The two national forests with the largest average annual planned offer of timber from inventoried roadless areas are both within Idaho (Idaho Panhandle and Payette National Forests). DEIS at 3-212 through 213. The region whose states will suffer the largest reductions in payment of timber sale receipts to states (PTS) will be Region 4. DEIS at 3-186. Likewise, aside from the Pacific Northwest, Regions 1 & 4 will suffer the largest losses of net revenue associated with commodity harvest volume. DEIS at 3-189.

There are also indications that within Idaho, the need for protection of roadless areas may not be as pressing as in other portions of the country. For example, the sheer number of wilderness and roadless area acres within Idaho suggests that within Idaho, roadless areas are not the rare commodity that they may be in other areas of the country. Within Idaho, road construction into roadless areas may also be in many cases a net environmental benefit, by addressing critical forest health and fuel management needs. Within Idaho and the intermountain West, impacts from forest harvest may also be lower than in other parts of the country. For example, the DEIS notes that impacts from fragmentation are low in the Intermountain Region since less than ten percent of the acres harvested are clearcut. DEIS at 3-57.

In short, the proposed action does not do an adequate job of individually examining each roadless area to determine whether the alleged benefits of protecting the area from road construction are outweighed by the risks to forest health and the economic

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impact on surrounding communities. The one-size-fits-all approach to roadless area management should be rejected in favor of a site-specific analysis, which would allow local environmental concerns to be addressed, and allow citizens most impacted by roadless area management to have a real voice in the decision-making process.



6. The range of alternatives:

The DEIS examines only a narrow range of alternatives obviously chosen to support a pre-determined outcome, and violates the duty to examine all reasonable alternatives.

For each of the three proposed actions (the Prohibition Rule, the Procedural Rule, and the Tongass Rule), the Forest Service lists four alternatives, one of which is the “no action” alternative, included as a required point of reference. Thus, for each proposed action, the Forest Service seriously considered just three alternatives. For the Prohibition Rule, no alternative was considered that did not include a prohibition on road construction. For the procedural rule, no alternative was considered that did not require protection of “roadless characteristics” in uninventoried unroaded areas.

The narrow range of alternatives considered in the DEIS does not comply with NEPA requirements. CEQ regulations require an EIS to “[r]igorously explore and objectively evaluate all reasonable alternatives” with the goal of “sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14.

Failure to include all reasonable alternatives has often been cited as a fault in those environmental impact statements that did not survive court review. The RARE II EIS is a prime example. There, although the agency included eleven alternatives in the EIS, none of the alternatives allocated more than 35% of roadless areas to wilderness. *California v. Block*, 690 F.2d 753, 765 (1982). Ultimately, the court concluded that the EIS “uncritically assume[d] that a substantial portion of the RARE II areas should be developed and consider[ed] only those alternatives with that end result.” *Id.* at 767.

The same is true here, albeit in reverse. The DEIS obviously starts from the assumption that all road construction will be banned regardless of the environmental impacts, and thus purposefully omits all alternatives that do not include a ban on road construction. Such an omission is a fatal flaw. The EIS must give serious consideration to alternatives that do not allocate all roadless areas to permanent roadless status, and that

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do not impose similar protections for smaller unroaded areas in future forest planning. Thus, the State submits that at a minimum, the EIS should contain an analysis of the following alternatives:

Prohibition Alternative 1: Rather than a myopic focus on prohibiting road construction in all roadless areas, local managers should be directed to individually examine each roadless area to determine what unique values it possesses, its uniqueness in relation to other roadless areas and existing wilderness in the vicinity, and its relation to roaded areas, with the goal of identifying strongholds with particular biological values in need of protection. Roadless, unroaded, and roaded areas could be combined in ways that best fit the unique values and biological needs of the particular area under consideration.

Prohibition Alternative 2: Prohibit road construction and reconstruction in inventoried roadless areas, with discretion vested in local forest managers to depart from the prohibition when road construction or reconstruction is determined to be necessary to address forest health issues or fuel accumulation concerns.

Prohibition Alternative 3: Apply a science-based road analysis process to decisions regarding road construction and reconstruction within inventoried roadless areas, akin to that developed and tested by the Forest Service in the document entitled *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System* (USDA Forest Service, 1999, Misc. Rep. FS-643).

Prohibition Alternative 4: Maintain Alternative 2 in the DEIS, but exempt from the prohibition national forests within the coverage of the management directives established in the Interior Columbia Basin Ecosystem Management Project.

Procedural Alternative 1: Require local managers to consider roadless values within any currently unroaded areas in future forest plans, but with management directives that any protections extended to unroaded areas must provide the access necessary for cost-effective management for purposes of protecting forest health, reducing accumulated fuels, or offering commodity timber harvest where consistent with multiple-use management needs.

Procedural Alternative 2: Apply a science-based road analysis process to decisions regarding road construction and reconstruction within unroaded areas, akin to that developed and tested by the Forest Service in the document entitled *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System* (USDA Forest Service, 1999, Misc. Rep. FS-643).

In addition, each of the above alternatives should expressly allow access to school endowment lands and other inholdings within both roadless and unroaded areas.

Please note that the State of Idaho does not endorse any of these alternatives. The State continues to assert that the no-action alternative should be designated as the preferred alternative. But, if the Forest Service insists on going forward, it is clear that the above alternatives must be included in the EIS in order to define the issues and provide a clearer choice among various options.



7. Procedural alternatives:

The DEIS fails to provide any meaningful analysis of the environmental impact of the procedural alternatives, even to the point of not identifying the location of the affected lands.

One of the most appalling aspects of the DEIS is the almost complete omission of any analysis of the potentially enormous impact of the so-called "procedural alternatives." The Procedural Alternatives are a glaring departure from the traditional conclusion that areas of less than 5,000 acres should not be managed as distinct roadless areas, and their impact is, if anything, greater than that of the Prohibition Alternatives. Yet, the entire analysis of the Procedural Alternatives takes only three pages. DEIS at 3-323 to 3-225.

A three page analysis consisting solely of conclusory statements does not fulfill NEPA requirements. No one can rationally dispute that the Procedural Alternatives represent a major federal action that alters management directives on millions of acres of national forest lands, with admitted impacts on forest health. Neither can anyone rationally dispute that three pages of analysis for a decision affecting forest health on millions of acres of lands does not constitute a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. Certainly, such an analysis will not withstand court review:

[T]he . . . [impact statement] must set forth sufficient information for the general public to make an informed evaluation . . . and for the decisionmaker to "consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the

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environment against the benefits to be derived from the proposed action." . . . [The impact statement gives] assurance that stubborn problems or serious criticisms have not been "swept under the rug."

Sierra Club v. United States Army Corps of Engineers, 701 F.2d 1011 (2d Cir 1983)(citations omitted).

Unfortunately, reading the DEIS, it is obvious that in addressing the impacts of the procedural alternatives, the Forest Service has done nothing but sweep stubborn problems under the rug. Rather than face the potentially enormous impacts of the Procedural Alternatives, the agency simply throws up its hands and avers that the "magnitude and extent of such effects cannot be determined at a national level." DEIS at 3-224. In large part, this assertion is based on the assertion that "the exact location and acreage of each potential unroaded area is unknown." *Id.* The fact that such areas remain undetermined however, is due solely to the agency's artificial rush to complete the NEPA process during the current Administration. Obviously, the agency has concluded that the information presented in the proposed rule is sufficient to allow each individual forest to engage in "identification and mapping for each national forest of their potentially qualifying unroaded areas specified in this rule at their next land and resource management plan revision." DEIS at 3-241.

If the information and infrastructure is in place for the national forests to identify qualifying unroaded areas, then such information could be incorporated into the DEIS; the only barrier is the fact that the national office has not given the forests sufficient time to identify qualifying unroaded areas. The Forest Service cannot justify moving ahead with a final rule and a final EIS for the sole purpose of meeting the political needs of elected officials. The Forest Service must wait for the development of the information necessary to make an informed decision.



8. Segmentation:

The Forest Service has improperly segmented its analysis of a number of on-going initiatives that, if viewed together, will have enormous impacts on forest health and on State economies.

Another critical concern is the fact that the Forest Service has a number of ongoing rule-making initiatives that address, in various and cumulative ways, the issues of road construction, road reconstruction, and road decommissioning, and the protection of resources found in roadless and unroaded areas. In addition to the Roadless Protection

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Initiative, there is the National Forest System Road Management Strategy, the Interior Columbia Basin Ecosystem Management Project, and the proposed Planning Rules.

The Road Management Strategy proposes to adopt a “science-based road transportation analysis to identify the minimum Forest Service road system needed for administration, utilization, and protection of National Forest System lands and resources.” 65 Fed. Reg. 11,676, 11,677 (March 3, 2000). The “new policy emphasizes investing in the process of decommissioning unneeded roads and reconstructing and maintaining the most heavily used roads.” *Id.* at 11,181. The proposed rule also distinguishes between classified and “unclassified” roads, describing the former as “state roads, county roads, private roads, permitted roads and Forest Service roads,” and the latter as “[r]oads not intended to be part of, and not managed as part of, the forest transportation system, such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways.” *Id.* at 11,683. It is estimated that there are more than 60,000 miles of unclassified roads with the National Forest System. EA at 12. The policy “makes clear that maintenance of unclassified roads in roadless and unroaded areas would be inappropriate, because such activity would lead to defacto road development.” *Id.* at 11,686.

The Interior Columbia Basin Ecosystem Management Project (ICBEMP) proposes to establish standards and criteria for restoration of national forest lands throughout the Columbia River Basin. The ICBEMP’s emphasis on vegetation management would be little more than a paper exercise without maintenance of the road system needed to make such projects economical. As with the above two initiatives, the ICBEMP proposes to establish criteria for making decisions relating to the construction, maintenance, and decommissioning of roads, in conjunction with the management goals established in the ICBEMP. ICBEMP Supplemental Draft EIS (March 2000).

The proposed rules for National Forest System Land and Resource Management Planning, 64 Fed. Reg. 54,074 (October 5, 1999), provide that designation of roadless areas will take place through the forest planning process. *Id.* at 54,107. The proposed Planning Rules provide that in order to “achieve the desired conditions described in applicable land and resource management plan decisions, the salvage or sanitation harvest of timber is permitted on all National Forest System lands except on those lands where timber harvest is prohibited by law.” *Id.* at 54,108. The proposed rules also require that the “responsible official must recognize the jurisdiction, expertise, and role of state and local governments as regulators, land managers, and representatives of state constituencies and local communities interested in or affected by uses of the National Forest System.” *Id.* at 54,103. The proposed rules also herald the principle that

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“ecological, economic and social sustainability are inextricably linked: impairing the sustainability of any one aspect affects the entirety.” *Id.* at 54,096.

Each of the ongoing initiatives will independently impact management of forest health issues on the national forests. But they will also have cumulative and synergistic effects which may severely limit the number of acres on which forest health treatments may reasonably be expected to occur in coming years. Unfortunately, the segmentation of the initiatives into three separated processes with independent environmental and economic analyses makes it impossible to accurately assess the overall impact of the combined initiatives.

No reasons have been given for such segmentation. Indeed, the Forest Service itself has noted the close relationship between the initiatives. Forest Service Chief Michael P. Dombeck has informed Congress that “the agency is following a two track process: the first dealing with roadless areas and the second dealing with the existing Forest Service road system, “ and that there “will be some overlap as we pursue these two separate but closely related actions.” Testimony of Michael P. Dombeck before the Subcommittee on Forests and Public Lands Management, Committee on Energy and Natural Resources, United States Senate, November 2, 1999. The EA for the Road Management Strategy states that the road management strategy is “directly or indirectly related” to the 36 CFR. 219 Planning Regulations and the Roadless Area Protective Rule Initiative. Road Management Strategy EA at 1. Likewise, the ICBEMP has been described as “addressing a subset of the social and ecological values spoken to in the Notice of Intent [of the Roadless Initiative].” ICBEMP Supplemental Draft EIS at 20.

The relationship between the Roadless Protection Initiative and other ongoing actions is acknowledged in the DEIS. It notes that the Roadless Area Conservation Rule is “related” to the Road Management Strategy and the Planning Rule, and that “this proposed roadless area rule together with the other proposed rules might have a cumulative impact in final form.” DEIS at 3-240.

While acknowledging the possibility of cumulative impacts, the DEIS makes no effort to assess the exact nature of such impacts. For example, in its discussion of the Procedural Alternatives, the DEIS offers little beyond the statement that “[i]t is reasonable to expect that cumulative impacts may occur if this rule is implemented along with those proposed for land management planning and administration of the forest development transportation system. DEIS at 3-225. It also notes that the ICBEMP “may have additional cumulative impacts at the regional level.” *Id.* Nowhere, however, is the agency or the public informed as to the nature or extent of the expected cumulative impacts. This is unacceptable. An analysis of cumulative impacts cannot be general,

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one-sided, or “devoid of specific, reasoned conclusions.” *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 811 (9th Cir. 1999). Nor is an analysis sufficient where it “makes only conclusory remarks, statements that do not equip a decisionmaker to make an informed decision about alternative courses of action or a court to review the Secretary’s reasoning.” *Natural Resources Defense Council, Inc. v. Hodel*, 865 F.2d 288, 298 (D.C. Cir. 1988). The analysis must fulfill NEPA’s purpose of “inform[ing] Congress, other agencies, and the general public about the environmental consequences of a certain action in order to spur all interested parties to rethink the wisdom of the action.” *Id.* at 296.

In addition to cumulative impacts, there is synergy between the related initiatives. For example, the impact of the roadless initiative is greatly enhanced by the adoption of a concurrent roads policy that emphasizes decommissioning of roads. Not only does the combination of the two policies greatly increase the potential for restricting access to state endowment lands within unroaded areas, it also raises the possibility that many areas now considered to be “roaded” will become “unroaded” as roads are decommissioned, thus becoming subject to the restrictions to be proposed in the Roadless Initiative. Thus, by segmenting the analysis of the ongoing initiatives, the overall impact of each additive policy is not being assessed.

The Forest Service’s failure to assess the cumulative and synergistic impacts of the ongoing initiatives is a direct violation of NEPA and CEQ requirements. In *Kleppe v. Sierra Club*, 427 U.S. 390 (1976), the Court held that when several actions that “will have cumulative or synergistic environmental impact upon a region are pending before an agency, their environmental consequences must be considered together.” *Id.* at 410. Sometime after the *Kleppe* decision, the Council on Environmental Quality (CEQ) issued regulations that define the circumstances under which related actions must be covered by a single EIS. The CEQ regulations provide that actions “are connected if they . . . are interdependent parts of a larger action and depend on the larger action for their justification.” 40 C.F.R. § 1508.25(a)(1). The same regulation also provides that:

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess

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adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

40 C.F.R. § 1508.25(a)(3). The regulation also states that actions “which when viewed with other proposed actions have cumulatively significant impacts . . . should therefore be discussed in the same impact statement. 40 C.F.R. § 1508.25(a)(2).

Although the above regulations are framed as definitions, and in some cases do not use mandatory language (i.e., agency “should” prepare an EIS), the courts have described them as “requiring” a single EIS for connected or cumulative actions. *See, e.g., Thomas v. Peterson*, 753 F.2d 754, 758-59 (9th Cir. 1985).

In sum, CEQ regulations, as interpreted by the courts, require consolidation of all present Forest Service initiatives which will directly control road construction and indirectly dictate the availability of forest health treatments on major portions of our national forests. Without such consolidation, the true impact of the combined initiatives on forest health will go unassessed, a clear violation of NEPA requirements.



9. State endowment lands:

The DEIS fails to provide any analysis of the potential environmental and economic impacts of the proposed rules on state school endowment lands.

The proposed rule contains a vague reference to the need for access to inholdings within roadless areas: “a road may be constructed or reconstructed in an inventoried roadless area if the responsible official determines that . . . [a] road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty.” Proposed Rules § 294.12. This ambiguous language should be clarified to assure access to state and private inholdings, especially state endowment lands. Without such guarantees, the Idaho Department of Lands estimates that the proposed rules may result in losses of over 163 million dollars to the Idaho school endowment fund over the next thirty years.

In addition, there should be additional clarification that the Forest Service will not otherwise render access impracticable or uneconomical through the imposition of unnecessary restrictions. And, most critically, it should be clarified that in allowing such access, the Forest Service will not attempt to impose restrictions on the management of the inholding as a condition of granting the access. It has been the State of Idaho’s experience that the Forest Service has attempted to control timber harvest on state

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endowment lands through the placement of conditions within the special use permits covering the use of roads across Forest Service lands. Such practices must cease. The States must be allowed to manage their endowment lands in accordance with the management guidelines established by state law.



10. Economic analysis:

The economic analysis in the DEIS is based on false assumptions and ignores significant potential costs associated with restrictions that prevent effective management of forest health needs

As justification for its recently-adopted policy of reducing road inventories, the Forest Service repeatedly asserts that it does not have the money to adequately maintain its existing inventory of roads. The underlying assumption appears to be that if its road inventory is reduced, the Forest Service will be able to devote more effort to maintenance of the remaining inventory. This assumption, however, is false. It is just as likely that as the number of miles in the classified road inventory declines, so will the money appropriated to the Forest Service for road maintenance.

Another problem with the economic analysis in the DEIS is that it ignores the increasing costs associated with fire suppression on the national forests. From fiscal years 1992 through 1997, expenditures for fire suppression and wildfire preparedness increased 72%. GAO Report 99-65 at 34. By restricting access to unroaded areas and making forest health management actions uneconomical, the Forest Service is virtually guaranteeing that this upward trend will continue. Nonetheless, the DEIS concludes that the "costs of fire suppression are not likely to increase because of road prohibitions." DEIS at 3-200. In part, it supports this conclusion by citing the fact that "[r]oads needed for fire suppression for public health and safety would be exempt from the prohibitions." *Id.* Such a statement ignores the fact that the construction of roads solely for fire suppression purposes is unlikely to occur. The statement also ignores the potential impact of access restrictions outside inventoried roadless areas due to prohibitions on road construction within unroaded areas and decommissioning of roads in currently roaded areas. The cumulative impact of all pending proposed actions will greatly increase future fire suppression costs on national forest lands.



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11. Impacts on other lands:

The DEIS focuses solely on impacts on federal lands while ignoring the broader environmental impacts that will result from implementation of the proposed rules.

The prohibition alternatives, by reducing timber harvest, will result in increased harvest pressures on other lands. This was recognized in a recent speech by Forest Service Chief Michael Dombeck to the American Forest and Paper Association. In that speech, Chief Dombeck conceded that "cutting off the timber supply from our national forests would do nothing to curtail our Nation's growing appetite for wood products. It would only shift environmental problems to other lands where environmental protections are fewer." Michael Dombeck, Speech to American Forest and Paper Association, May 22, 2000.

Despite Chief Dombeck's concession, the DEIS fails to provide any serious analysis of the environmental impacts that will occur as a result of increased harvest pressure on state and private lands as a result of curtailing timber supply through the Prohibition Alternatives.



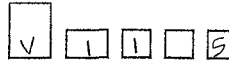
CONCLUSIONS

In light of the above concerns, the Forest Service should:

1. Reject the entire process to date as fatally flawed and begin again, allowing adequate opportunities for States and others to participate in scoping and in review of the DEIS.
2. At a minimum, extend the comment period on the DEIS, at least until maps are made available identifying the lands potentially subject to the procedural alternatives.
3. Make better efforts to involve State and local governments in any decisions regarding prohibitions on road construction in inventoried roadless areas.
4. Specifically address the question of access to school endowment lands.
5. Assess the impact of the proposed rules on the forest health of school endowment lands and other lands that are intermingled with, or adjacent to, national forest lands affected by the prohibition and procedural alternatives.

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6. Include a broader range of alternatives in the final EIS, including those proposed in section 6, *supra*.

7. The current analysis of the potential impacts of the procedural alternatives is inadequate and does not fulfill NEPA requirements for an environmental impact statement. The final EIS should include a full analysis of the impacts of the procedural alternatives, including identification of all unroaded areas potentially subject to the proposed rules

8. Assess the impact of the proposed rules on a site-specific basis, making specific analyses and recommendations for each inventoried roadless areas, so that localized impacts specific to individual roadless areas are not "masked" by favorable data from other roadless areas.

9. Provide flexibility to local land managers to deviate from the proposed rules when necessary to protect forest health.

10. Integrate the Roadless Area Conservation DEIS with the environmental impact statements and environmental assessments being done for the ICBEMP, the Road Management Strategy, and the proposed Planning Rules.

11. Assess the impact on state, private and tribal lands that may result as harvest is increased on such lands to compensate for shortfalls in timber production from national forest lands.

12. Adopt the no-action alternative as the preferred alternative.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

CAET RECEIVED
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ROADLESS PROPOSAL COMMENTS

By Idaho Attorney General Alan G. Lance

Oral Comments at Government-to-Government meeting,
submitted in written form

**Forest Service Public Meeting
Boise National Forest
June 29, 2000
Nampa Civic Center
311 Third Street South
Nampa, Idaho**

My name is Alan G. Lance. I am the Attorney General of the State of Idaho. I submit these comments in furtherance of the State's legal rights and interests which are impacted by this massive proposal.

On October 13, 1999, President Clinton announced the roadless proposal. He characterized it as "one of the largest land preservation efforts in America's history." I agree -- in my experience, there has not been a proposal under the National Environmental Policy Act which comes close to being as sweeping, as complex, and as far-reaching as the roadless proposal.

A mere six days later, on October 19, 1999, the Forest Service released the notice of intent (NOI). The short period of time between the announcement and release of the NOI appears to be attributable to the fact that the administration and other top federal officials were meeting with environmental groups for some time putting together the details of this proposal. The documents we have obtained show that the states were not made a part of the planning process.

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The NOI was confusing and limited in terms of information provided for public evaluation and comment. It revealed that the roadless proposal would impact two types of land, "inventoried" and "uninventoried" roadless areas. Thus, more than nine million acres in Idaho are subject to the proposal. The NOI provided just sixty days for public comment during the scoping period.

The public was told to look to the Forest Service's website for information about the roadless proposal. That website was "under development" and no useful information was available on it throughout the scoping period. Public meetings in Idaho ended just three business days before the scoping period expired. A Freedom of Information Act request made by my office went unanswered in violation of the Forest Service regulation requiring a response within ten days, and extension requests made by the State of Idaho and the Conference of Western Attorneys General were not answered. The State submitted written comments, but the scoping period expired on December 20, 1999, without the benefit of basic information such as accurate maps and the FOIA information requested by my office.

The Idaho State Board of Land Commissioners (Governor, Attorney General, Secretary of State, State Controller, and State Superintendent of Public Instruction) filed a lawsuit against the Forest Service in federal district court on December 30, 1999. The lawsuit involved the State's legal rights and interests relative to its endowment lands, which generated over \$52 million dollars for our public schools last year. The State's concern is that this proposal will impact its Constitutional duty to manage these lands for the maximum return for Idaho's schools.

As a result of a toothless federal law which gives the public (including states) a right to participate in the scoping process but not a remedy to enforce that right in court, the court ruled that it lacked power to grant relief to the State until the NEPA process is complete. However, Judge Edward J. Lodge told the Forest Service that the roadless proposal will be subject to "close judicial scrutiny" and issued the following warnings:

1. "...the Forest Service may be inviting error and a necessary review of its actions by ignoring the objections of the [State]..."
2. "When the areas contemplated to be roadless are not defined or shown by way of maps or otherwise illustrated, one does not have to be learned in the law to determine the public's participation will hardly be 'meaningful.' The State's concern over ... its endowment lands and state forest lands that may be surrounded by national forest land are legitimate concerns of state and local governments and its citizens."

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To date, with the insufficient information made available to the public, the State has identified at least 6 major problems in the DEIS.

First, the comment period is wholly inadequate. The State has requested an extension of time to comment. There is no doubt that this proposal is one of the biggest NEPA proposals of all time. The sixty day comment periods provided for both scoping and the DEIS amount to nothing more than a wink and a nod at the fundamental notion of due process – meaningful notice and a meaningful opportunity to be heard. Judge Lodge specifically wrote, "the Forest Service should proceed with caution. Time is not of the essence on an issue that has been studied for over 30 years." A proposal of this magnitude must be put to a test of equivalent magnitude, a test devoid of arbitrary deadlines set for political purposes. Anything less than an equally historic time for public review and comment casts a shadow of suspicion over the substance of and need for the proposal.

Second, the DEIS inadequately addresses the "procedural alternatives." Over 300 pages in the DEIS are dedicated to the "prohibition alternatives," but only three pages are spent on procedural alternatives. Yet, the overall impact of the procedural alternatives may well be greater than that of the prohibition alternatives, particularly if the recent Road Management Strategy results in more unroaded areas subject to the procedural alternatives. This overlap in proposals is a serious concern, and I note that Chief Dombeck has already admitted that these two proposals are "closely related actions."

Third, the DEIS does not adequately present less restrictive alternatives. The DEIS is basically a doctored-up, one-size-fits-all, all-or-nothing approach. Idaho contains two of the six most impacted forests (the Panhandle and the Payette). The failure to utilize a science-based approach on this aspect of the DEIS is particularly frustrating to Idaho. Idaho, although small in terms of population, is certainly among the hardest hit. Good science, local control, local economies and other unique characteristics should be considered.

Fourth, the DEIS fails to address the State's scoping comments. The State of Idaho spent enormous time and effort telling the Forest Service that our endowment lands must be completely isolated from any impact. We testified in public meetings during scoping, we submitted detailed written comments on this issue, and we went to a federal court to plead our case. The court agreed that our endowment lands are legitimate concerns. Many other states expressed similar concerns with endowment or school trust lands. Regardless of our effort, the DEIS does not even mention "endowment lands" or "school trust lands." Instead, all we see is a statement in the proposed rule that the roadless proposal "will not have substantial direct effects on the states. . . ." The Forest Service's failure to address our comments is unacceptable.

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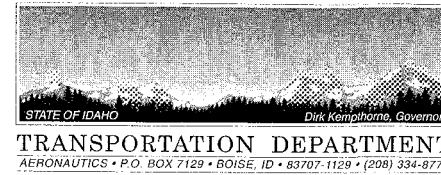
Fifth, the Roadless Proposal, the Road Management Strategy, and the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) are "segmented" proposals. The roadless proposal will result in roadless areas being cut off from any future activities. The road management strategy emphasizes the decommissioning of roads, which will result in new roadless areas that might be subject to the roadless proposal. The ICBEMP emphasizes habitat restoration in the Columbia Basin, which might result in decommissioning some roads and building new roads, activities that might in turn create new roadless areas or conflict with the roadless proposal. Segmentation is not legal under NEPA.

Sixth, despite representations made in the lawsuit that more information would be provided as this proposal progressed from scoping to the DEIS, we still have no maps of uninventoried areas and we are aware that maps of inventoried areas are inaccurate in some forests. This is a serious legal problem for the Forest Service. It is beyond question that a proposal affecting land must begin with a map showing what land is impacted by the proposal. As set forth above, Judge Lodge expressed his view that participation during the comment periods will "hardly be 'meaningful'" if maps are not provided. The State has sought maps and mapping criteria through the FOIA process. We await receipt of accurate maps for all impacted lands in Idaho in order that we can report to Idaho citizens that our comments and participation were meaningful.

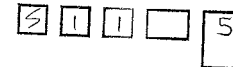
Finally, I would like to make an observation about the general public mood in Idaho that my office has seen relative to this proposal. The public meetings during scoping and the DEIS process indicate statewide opposition to this proposal. During Idaho's primary election, thirteen Idaho counties placed this issue on an advisory ballot and the citizens in those counties voted overwhelmingly against it. Idahoans are upset with the proposal -- they are aware that it is being driven by the President's directive to get it done before he leaves office. Vice President Gore has already announced that, if elected President of the United States, he will expand the proposal. Thus, the perception is that this is a political process, not a science-based, deliberative, policymaking process where public comments are truly considered and weighed in making the final decision. This track is just flat wrong. In my view you have lost the confidence of Idahoans by proceeding with a plan crafted in secret by Washington politicians, Washington bureaucrats, and environmental groups -- a plan that is nothing more than a cookbook on how to reach a pre-determined outcome.

In addition to these comments today, the State of Idaho will also be submitting detailed written comments.

Thank you.



July 7, 2000



USDA Forest Service-CAET
 Attention: Roadless Area Proposed Rule
 PO Box 221090
 Salt Lake City UT 84122

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Gentlemen:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the "Forest Service Roadless Area Conservation". Our staff members have also attended several public and government agency meetings concerning the roadless area proposal.

Our primary concern is the preservation of public use airports and associated aviation activity within the inventoried roadless areas in the State of Idaho. The DEIS and meeting presentations did not specifically address airports or aviation activities within roadless areas.

The DEIS proposes two preferred alternatives: **Prohibition Alternative 2** would prohibit road construction and reconstruction in the unroaded portions of inventoried roadless areas. **Procedural Alternative B** would allow local Forest Service managers to determine whether and how to protect roadless characteristics in the context of multiple use management, during individual forest and grassland plan revisions.

We have attempted to determine the impact of the two preferred alternatives on the existing public use airports located on Forest Service lands in Idaho. The Forest Service airports located in the Selway Bitterroot Wilderness area are allowed to remain open under the provisions of the 1964 wilderness legislation. Airports in the Frank Church River of No Return Wilderness are specifically protected under the provisions of this particular wilderness legislation. Airports located outside of wilderness areas are located adjacent to existing maintained roads and should not be impacted by the proposed preferred alternatives. The Graham USFS Airport is in an area that has been recommended for wilderness classification by previous Forest Service planning documents that would require Congressional action for wilderness designation. In addition, the DEIS states that "existing access to inventoried roadless areas for recreation opportunities would not change because of this proposal".

CONTINUED


STATE OF IDAHO — TRANSPORTATION DEPARTMENT

Roadless Area Proposed Rule
July 7, 2000
Page 2

We are concerned about future off-airport aviation operations that may occur in the inventoried roadless areas. These would be primarily helicopter operations associated with fire suppression activities, timber sales, search and rescue, Forest Service administrative activities, and law enforcement. The DEIS does not specifically address such activities and we are assuming that they would be allowed to continue.

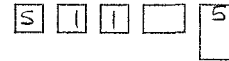
In closing, we are specifically requesting that the Forest Service promptly inform our Division of any proposed changes that would impact any existing airports or aviation activities in the inventoried roadless areas in Idaho.

Sincerely,


BART W. WELSH
Administrator

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IDAHO DEPARTMENT OF LANDS

954 W. Jefferson St., PO Box 83720
Boise, Idaho 83720-0050
Phone (208) 334-0200 Fax (208) 334-2339

STANLEY F. HAMILTON - DIRECTOR

July 11, 2000

USDA Forest Service - CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

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JUL 17 2000

BOARD OF LAND COMMISSIONERS

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MARILYN HOWARD
Sup't of Public Instruction

The following are the comments of the Idaho Department of Lands regarding the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

The State of Idaho has a critical interest in the proposed rule, due to the potential impact on the institutions, economy, and citizens of our state. Idaho and the western states are carrying a disproportionate share of the burden associated with the roadless proposal in the DEIS. Inventoried roadless areas constitute 28% of National Forest System lands, over 54 million acres, nationwide. 52,296,000 acres, 96% of the total, are in western states. Nearly 17%, 9,232,000 acres, are in Idaho. This makes the State of Idaho second only to Alaska as the largest affected interest.

The Idaho Department of Lands (IDL) is the administrative arm of the Idaho State Board of Land Commissioners. In that capacity, IDL exercises management and control of approximately 2,367,000 acres of state endowment trust land. This responsibility encompasses management of timber, grazing, agricultural, mineral, and recreational resources on approximately 4.5% of Idaho's land base. The mission of IDL is to manage endowment trust lands to maximize long-term revenue for the beneficiaries and protect natural resources for the people of Idaho. The implementation of any of the alternatives in the DEIS could have a real and potentially serious impact on the management of state trust lands, and the beneficiaries of the trusts.

The endowment trust lands were granted to Idaho by the United States upon statehood. Their purpose is to provide revenue to support the nine owning institutions of the state, the most common being the public schools. "The [endowment] land was given only for specific purposes defined in federal

KEEP IDAHO GREEN
PREVENT WILDFIRE
EQUAL OPPORTUNITY EMPLOYER

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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Idaho Department of Lands
Comments, Forest Service Roadless Area Conservation DEIS
July 11,2000
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statutory laws and state constitutions and now firmly supported by case law. . .¹
To meet this end the lands are managed to,

"maximize revenues over time to the endowment funds for the beneficiary institutions consistent with sound long-term management practices based on land capabilities."²

Since statehood these lands have generated more than \$800,000,000 to the Permanent Endowment Trust Funds, with distributions to the beneficiaries in 1999 of more than \$58,000,000.

The endowment lands provide a diverse foundation of commodity, commercial leasing and rental activity which contributes dollars directly into the institutional accounts. The business activity that surrounds these functions helps support the statewide economy, and in conjunction with similar activities on private and federal land are part of the web of economics and social ties that define the culture of the state.

In addition to management of endowment lands, IDL has been entrusted with the administration of regulatory functions, including the Idaho Forest Practices Act, the Dredge and Placer Mining Act, the Surface Mining Act, and the Lake Protection Act. These functions, along with that of administering several forestry related federal cost-share programs, put IDL in position of influencing and supporting resource management activities on private lands in Idaho.

We have reviewed the DEIS and offer the following observations:

1) **The Roadless Area Conservation DEIS fails to consider the full range of alternatives available for the management of resources in the designated areas.** The Forest Service has interpreted President Clinton's directive as prohibiting consideration of any alternative that would allow road construction or further development of inventoried, and uninventoried, roadless areas. Although harvest activities will be permitted within roadless areas under the chosen alternative, the practicality of harvest operations on most of these areas, without roads, is marginal, at best. Except for "pecking around the edges" of roadless areas with helicopters, little can be accomplished.

Given the president's mandate for "preservation" of roadless areas, and the bureaucratic hurdles forced on Forest Service managers, it will be virtually impossible to prepare and execute any sort of active management activity in a roadless area. All the roadless areas will therefore become defacto wilderness.

¹ O'Laughlin, *Idaho's Endowment Land: A Matter Of Sacred Trust*, (1990), at 3.

² IDL Operations Memorandum 102, February 2, 1996.

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In fact, there are roadless areas that would benefit from road construction and more intensive management in regard to water quality, biological diversity, recreation, and fire suppression. Unfortunately, this is not mentioned in the DEIS because it does not agree with the preconceived conclusions that underlie the entire document.

2) **As a result of the pre-existing supposition that roadless areas are, by default, better able to support a variety of benefits, the DEIS fails to consider the potential, and very real, negative impacts of leaving these lands in an unroaded state.** These include threats of insect and disease outbreaks and catastrophic fires that begin in inventoried roadless areas, and then spread onto adjacent non-federal land, damaging and destroying resources and values that landowners have worked hard to nourish within the framework of their stated land management objectives.

The recent bark beetle outbreak in northern Idaho demonstrates the danger to state and private land, resulting from the inability of federal managers to manage insect outbreaks on federal land. Had the Forest Service acted promptly to harvest damaged trees that became the catalyst of the outbreak, the damage on federal land, and nearby state and private lands, would have been greatly reduced. In addition, the damaged timber would have contributed in a positive manner to the local economy. Unfortunately, Forest Service policy prevented the agency from acting promptly to salvage the damaged timber. As a result, the bark beetle outbreak was made worse, the Forest Service was compelled to expend federal tax dollars in efforts to reduce insect impacts on adjacent state and private land, and damaged timber and dead trees were left on the ground where they will provide fuel for catastrophic fire.

The contention that fire suppression would not be affected by the proposed rule is based on a creative interpretation of fire suppression records. While it is true that 98% of wildland fires are suppressed before they get big, the size and severity of fires that do escape early suppression is greatly increased by the lack of roads. The roadless wildland fire resources cited by the Forest Service (helicopters and fixed wing aircraft), are, in fact, best suited to small, low intensity fires. They have little utility in stopping large intense fires, such as those to be expected in unmanaged roadless situations.

The difficulty of suppressing fires in roadless areas was manifestly demonstrated on the Payette National Forest during 1994. Lightning ignited fires in stands of unsalvaged, dead trees in roadless areas of the forest. Restrictions on suppression action caused by the lack of access led to a total burned area of over 250,000 acres. The result was enormous ecosystem damage on federal lands, as well other ownerships.

The contention that this risk of catastrophic fire is somehow reduced by allowing, "...road construction if a wildland fire threatened public health and safety," shows a lack of understanding of the principles of wildland fire suppression. The notion that the Forest Service, when faced with catastrophic fire would, or even could, in light of the provisions of the National Environmental Protection Act, divert resources to construct roads, is not realistic. Neither is prescribed fire the substitute for other active management activities, as the Los Alamos fire recently demonstrated.

3) **One of the biggest deficiencies in the DEIS is the failure to examine the attributes of, or potential impacts on, individual roadless areas.** By lumping and examining criteria on a nationwide basis, real problems are missed. For example, the average impact on local communities may be slight, but this gross analysis masks the extreme suffering that will be forced on specific communities. This impact is not examined in the DEIS because the study was not done at that level. Ecological, human, social, and economic impact analyses all share this shortcoming.

The results in some cases are statements that are completely false at the local level. For example, *"The effects of the alternatives on national, and to a large extent regional, social and economic systems are minor"* (page 3-211). Or, *"Not surprisingly, private lands account for 71% of the total commercial forestland. National forests account for another 19% of the total commercial forestland"* (page 3-112). These statements are totally false and misleading on a local scale.

In other cases, actual local impacts are glossed over. For example, the DEIS recognizes that Regions 1 and 4 of the Forest Service, which cover the bulk of Idaho, will experience the largest reductions in timber related direct jobs under the action alternatives (Pages 3-220 & 3-221). The impacts, however, are "washed" in the averaging at the national scale, and mask the very real impacts the reduction of federal harvest due to the roadless initiative will have on payments to counties, and the economies of local communities.

More detailed studies of individual areas were done during RARE II, but those are over 20 years old. One can only speculate as to the reasoning behind using such a shotgun approach. It appears that the DEIS was created solely to support a predetermined decision, and fulfill NEPA requirements for a completed report.

4) **The impact of this proposal on reasonable access to state endowment trust lands is a major concern of the Department of Lands.**

Over 54,000 acres of these lands require access over lands managed by the Forest Service, access that does not now exist. These lands have the potential of providing over \$163,000,000 to Idaho institutions in the next 30 years, revenue that is jeopardized by this proposal. Failure to generate this revenue through active land management activities would require Idaho to either reduce services to, or increase taxation on, its citizens.

The Alaska National Interest Lands Conservation Act of 1980, 16 U.S.C. 3210, (ANILCA) supposedly ensures access to non-federal land in-holdings. Unfortunately, the tedious processes to secure access across federal lands (especially if threatened or endangered species are resident) seem designed to ensure the applicant withdraws its request out of frustration prior to actually acquiring access. The federal agencies appear to routinely use this bureaucratic maze to exercise de facto management control of non-federal lands. The roadless proposal can only make the process more difficult. The likelihood of receiving access across a roadless area in any situation is largely nonexistent.

In light of the above observations, the Idaho Department of Lands offers the following comments and recommendations for overcoming the deficiencies in the DEIS:

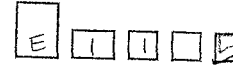
1. Given the history, importance, and public interest in this issue, a more thorough public debate should be initiated by the Secretary of Agriculture. The initial public comment period should be re-opened so that a full range of issues, concerns, and alternatives can be addressed in the DEIS. This should include active management alternatives, including responsible road construction and maintenance, and timber harvesting. The public comment period should be correspondingly extended to adequately accommodate this expanded review.

2. The DEIS is a "broad stroke" document which lumps all the roadless areas together. As a result, the effects of this action on any single roadless area have not truly been evaluated. The DEIS should be revised based on individual studies and analyses of each inventoried roadless area. The alternatives should be selected on an individual roadless area basis.

3. The DEIS is not an objective review of detailed scientific data. Assumptions or data based on the country as a whole have been inferred to apply to specific regions whenever it strengthened the argument for the listed or preferred alternatives. Conversely, information about specific regions has been inferred to apply to the country as a whole. This is a consistent problem throughout the document. The DEIS needs to be re-written to remove such misleading information. A fair representation of the impacts by roadless area is needed.

Idaho Department of Lands
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4. Impacts on access to non-federal in-holdings are not thoroughly examined or fully explained. The DEIS needs to specifically answer the following questions:

- > How will the legitimate rights of the State of Idaho to access state endowment trust lands be guaranteed under the roadless initiative proposal?
- > Under what conditions will such rights of access be granted?
- > Who will be expected to pay the costs of whatever environmental analyses will be required to acquire access?

5. The DEIS must be revised to establish with clarity how the Forest Service intends to address the potential negative impacts, on adjacent property, of the probable catastrophic insect and disease outbreaks and wildfires that will start and spread from federal lands of this proposal.

In summary, the Idaho Department of Lands believes the Forest Service Roadless Conservation DEIS is seriously flawed. The process of its development has been rushed, and the analysis been truncated to support the desired outcome. The result will be reduced quality in on-the-ground management and ecosystem health, and reduced trust in federal government agencies.

Sincerely,

STANLEY F. HAMILTON
Director

Testimony by
Senator Judi Danielson
Idaho State Senate
Before
The Boise National Forest
June 29, 2000
Nampa Civic Center
Nampa, Idaho

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JUL 06 2000

For whatever reasons, this DEIS has been rushed and it is incomplete. Its flaws will delay the process and put millions of acres of our national forests at risk. This DEIS is so flawed that it must be withdrawn and another process put in place to review the real issues of how we will manage our national forest lands. It must be done, however, by involving local people and local communities and the states so we can all make a contribution and an informed decision on this hugely important issue.

One of the largest problems with this DEIS is that it fails to consider millions of acres of forest that stand a high risk of "losing key components that define [their] system." In other words, they stand a high risk of being "clear cut" by catastrophic wildfire.

The way this catastrophe could happen, say the researchers, is by the burning of wildfires more intense than any we have previously studied. None of this is a surprise – its been reviewed and re-reviewed through ICBEMP and other projects, and we're living

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through disaster fires such as Los Alamos and Denver every year -- and yet it wasn't completely covered in this DEIS.

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The second problem with this DEIS is that there is no alternative that considers active care and restoration of these lands. The proposals to stop bad things from happening to our forests are unmatched by ideas for acting to make good things happen. There are many management activities that could be taken to keep our forests from burning up. There are many that can reverse legacy problems, provide homes for fish and wildlife, stop the bleeding of sediment into national forest streams and avoid massive air pollution caused by large, out of control wildfires.

Even though this agency has itself documented these options elsewhere, the Forest Service has failed to consider them in making this decision on what happens to our roadless areas.

They've skirted new ideas in the debate of forest management such as temporary roads. They've alienated those who believe some or all of the roadless lands could be left as they are. This whole effort is just one part of a larger, ^{Legacy} political strategy to shut down the multiple use of our nations public lands. ^{the people's} Lands

This administration has undertaken more rulemakings than any other since President Carter. The Clinton Administration has proposed changes to the Forest Planning Process, proposed changes to the Clean Water Act silviculture and TMDL state processes, is trying to mandate changes to all forest plans through the ICBEMP process, wants to decouple the 25 percent funds to counties from timber harvest and has, overall, reduced the harvest of timber by 80 percent over the past 8 years. ^{The Legacy} will be death & destruction to our forests.

This administration has made management of Idaho's endowment lands more difficult and they continue to try to do so through

section 7 consultations on endangered species. I fear that under this proposal, the state may find it even more difficult to access some of its own lands. If so, the endowment fund will suffer and because of that -- our kid's education will suffer. - are Western School Children the Class students to this administration?

I believe that this initiative, embodied in this DEIS, could result in a takings of the value of our state endowment lands without just compensation. ^{Default to be by the Fed. Govt. has been occurring for years thru the PILT program. Private Citizens would lose their properties thru tax defaults for this.} None of this is necessary. There is already sufficient procedure in place within the framework of the National Forest Management Act and other laws to protect all of the various areas of our national forests. These allow active management by professional foresters. It is inappropriate and irresponsible to prescribe new implementation rules for forest plans as the proposed action and preferred alternative does. I urge the Administration to withdraw this initiative.

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to address forest management - some areas have old roads in them. The DEIS does not objectively analyze the proposal or its impacts; it is so biased in favor of "no roads" that other options or alternatives are not adequately analyzed.

2. The No Action alternatives have environmental/social impacts which are not identified. These impacts should be analyzed and outlined in the DEIS.
3. The maps provided are inadequate to identify inventoried roadless areas or unroaded un-inventoried lands.
4. The road closure program denies access; road closures lead to more lands without road access -these are not mentioned or analyzed in the DEIS.
5. The cumulative impacts of the roadless proposal with other proposals, i.e. the forest planning regulations and the transportation rule, are not adequately evaluated -- all roadless issues should be addressed in a single EIS.
6. Maps and text do not adequately identify wilderness areas so the public is not informed about true nature of the environment.
7. Some revised forest plans have already addressed roadless areas; this proposal seems to contradict or undermine those efforts.
8. The DEIS fails to describe each inventoried roadless area and/or describe what characteristics of each inventoried roadless area are being protected, and what activities might affect them.
 Note: If you know about specific inventoried roadless area, you should describe how the DEIS would dictate inconsistent management of these areas.
9. Reference the derogatory comments about mill workers. These statements show bias and a lack of objectivity.
10. The roadless proposal bypasses Congress and creates de facto wilderness by prohibiting road building. There are specific laws which allow multiple use of public land unless Congress has specifically declared wilderness. All of the areas included in this proposal were determined to not be wilderness quality and specifically excluded from wilderness designation.
11. Mining provides important natural resources which enable us to survive and have a high standard of living. This proposal would allow the Forest Service to place such severe proverbial roadblocks that mining will cease to exist as an industry on public land. Mining is allowed on public land through a number of laws including
 - the Mining Law of 1872, ~~et~~
 - the Organic Administration Act of 1897
 - Federal Land Policy and Management Act of 1960
 - Multiple-Use and Sustained Yield Act of 1960
 - National Forest Management Act
 - USFS Regulations on Locatable Minerals

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12. The economic impacts of the proposal have not been adequately addressed. The document makes that assumption that both mining and logging are on the decline; therefore, economic impacts to rural communities will not be significant. The document also assumes that by providing more opportunities for dispersed recreation that the economies of rural communities will boom. There have been studies by the University of Idaho that dispute this assumption.
13. The preferred alternative by the Forest Service guarantees that the western United States will be subject to huge, catastrophic fires which will ravage forests, threaten humans and wildlife, and cost the tax payers millions. Forest health is a major issue in the west and this proposal ignores the problem.
16. This is a one-size-fits-all document which indicates increasing micro-management from Washington, D.C. The Forest Service needs to return to its original mission of multiple use of public lands instead of catering to special interests. In Section 532 "ROADS" in Title 16, Chapter 2 of the United States Code it is stated "The Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the National Forests... is essential if increasing demands for timber, recreation, and other uses of public land are to be met... and that such a system is essential to enable the Secretary of Agriculture to provide for intensive use—protection, development, and management of these lands under the principles of multiple use and sustained yield of products and services." That's the law.

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Testimony of
Testimony by
Senator Cecil Ingram
Idaho State Senate
At
The Boise National Forest
Roadless DEIS Hearing
June 29, 2000
Nampa Civic Center
Nampa, Idaho

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My name ^{is} Cecil Ingram and I am a member of the Idaho State Senate. I come before you today to express my deep reservations and concerns over the federal proposal to turn 9 million acres of Idaho's national forests—which were intended to be open to multiple use—into defacto wilderness without going through Congress. This proposal is partly explained in the document called the Roadless Draft Environmental Impact Statement or DEIS.

This DEIS selects a plan, called the preferred alternative, which would eliminate all road building and logging on these acres. The plan is to not manage these forests. Just let nature take its course. Well, that is a sure recipe for disaster. We have seen what happens to our national forests when we just "let it burn". Leaving forests without active management to reduce fuel loadings, thin out thickets of trees, deal with disease and insect infestation will provide the platform for catastrophic wildfires the likes of which most of us have never seen. We could have a natural disaster such as the country saw in 1910 when millions of acres of national forest reserves in north Idaho burned up.

Not only were people killed and towns destroyed. There was massive wildlife death, habitat for fish and wildlife was destroyed, sediment coursed down desolate moonscapes of burned over lands

into Idaho's rivers, killing fish downstream and clogging spawning areas for years. In some cases the fires burned so hot it fused the soils making them hydrophobic, unable to absorb water. Some are only now recovering. We don't need to allow this to happen. We can stop it but we need access to the lands to be able to actively manage them to remove fuel loads.

The roadless initiative is not only bad for the environment and the forest, it is an exercise in deception of Idahoans and the American people. The Forest Service, at the direction of the Clinton Administration is telling us that these lands need more "protection". Protection from what? They are already protected under a myriad of laws—National Forest Management Act, Multiple Use Sustained Yield Act, the Clean Water Act, the Clean Air Act to name a few. Millions of acres of wilderness lands are protected by the Wilderness Act. The fact is that this is not about protecting the environment, it is about a political agenda. We should not allow our national forests to suffer because some one wants to use it to get elected.

The DEIS is unsatisfactory because it does not contain an adequate or reasonable range of alternatives. The listed range of alternatives is much too narrow and restrictive. All alternatives eliminate logging—a known practice which can reduce fuel loads in the woods and help keep our forests from burning. To comply with the National Environmental Policy Act (NEPA), the range of alternatives must be expanded to permit road construction in some or all of the areas. I ask that the Forest Service assemble information describing the most environmentally sensitive, cost effective multiple use road access to each roadless area under consideration in this review. The Forest Service must develop and evaluate one or more "ACCESS FOR ALL" alternatives in the DEIS.

I believe that this initiative and resultant DEIS is unnecessary and should be withdrawn. The Forest Service has sufficient statutory and regulatory authority to manage all the lands they now have under their perview. Now is not the time to prescribe new rules for roadless areas. If a decision is to be made on these lands, it should be done by Congress after much local input—not behind closed doors in Washington, D.C. by a few of Bill's closest friends.

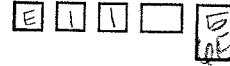
Finally in closing, I recommend to the Forest Service that they withdraw this DEIS because it is fatally flawed in yet another way—the cumulative effects analysis is totally inadequate. Before a final EIS is issues, the cumulative effect of the proposed forest planning regulations, road management policy and roadless area conservation rule should be analyzed in greater detail. It is only through this effort that the American people will truly understand the magnitude of the impact of this policy. If this is not done, the final EIS will be no more than the cover up for the sham process this Administration has followed in a hollow effort to divert attention from the President's poor record of governing.

If this roadless initiative becomes final the Boise National Forest will become the Boise National Shrub lands. This is not the outcome Idahoans would choose for the federal lands within Idaho's borders, and it does not have to happen.

This concludes my remarks and I submit this written testimony for the record.

13532

Ms. SHAWN KEOUGH
DISTRICT 1
BONNER
& BOUNDARY COUNTIES
STATE CAPITOL BUILDING
P.O. BOX 83720
BOISE IDAHO 83720-0081
(208) 332-1000



Idaho State Senate

Senator Shawn Keough

6/21/00

STATEMENT FROM STATE SENATOR SHAWN KEOUGH
ON THE USDA FOREST SERVICE ROADLESS AREA CONSERVATION
DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED RULE

I am here today to enter into the public record my comments on this Presidential Initiative.

I believe strongly that the history of the establishment of our nation's national forests shows that the system was to be quite different from our park system and what has evolved since that time, our wilderness system. The national forests were to be a system of "working forests" which, when actively managed, would provide continuing and healthy forests and all the benefits that active management brings: clean air, clean water, abundant wildlife, trees and other resources that all provide for our nation's citizens.

I believe that the President's Roadless Proposal flies in the face of this historical purpose. In fact, I believe that the proposal ignores what professional foresters know to be the true conditions of our forests. Furthermore, the proposal appears to bend or break the very laws and processes that have been structured to ensure that decisions of this nature are carefully and scientifically made.

More to the point, evidence has surfaced that shows that environmental laws like NEPA (National Environmental Policy Act) and the science that shows that 41% of the roadless lands in Idaho are at risk to fire, have been blatantly ignored. The EIS has no analysis of the effects of wildfire on threatened and endangered species, or water and air quality. The abuse of the NEPA process underscores what I believe to be the true intent of this effort - pure politics.

These points, coupled with the clear, and now published, contempt for our timber people and communities (EIS - Chapter 3 - 3-190) demonstrate that this administration's efforts are politically based and that the chosen alternative for this EIS, since it appears it cannot be stopped, should be Alternative One - NO ACTION.

I respectfully request that Alternative One be selected and that there be an extension to the public comment period of 120 days.

If the goal of this effort is truly to plot a scientifically sound management course for our roadless lands, the extension of the comment period will push this process out of the cloud of the national presidential political arena while giving local land management

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HOME ADDRESS
P.O. BOX 101
SANDPOINT, IDAHO 83864
(208) 263-1839
TOLLFREE 1-888-453-6844

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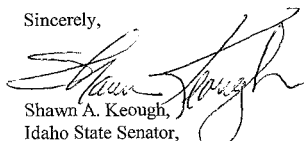
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professionals the opportunity to have a legitimate role in analyzing the science and potential course of management for these lands.

By adopting this approach, we can be assured that the integrity of the historical purposes for the establishment of our national forest system remains intact, thus providing the opportunity for healthy forests, and all the benefits those forests provide to our nation, now and for future generations.

Thank you for this opportunity to comment.

Sincerely,


Shawn A. Keough,
Idaho State Senator,
Bonner & Boundary Counties

LENORE HARDY BARRETT
DISTRICT 26
CUSTER, LEMHI, CLARK
& JEFFERSON COUNTIES
HOME ADDRESS
P.O. BOX 347
143 WEST PLEASANT
CHALLIS, IDAHO 83226
(208) 879-2797
FAX (208) 879-4257



16092
COMMITTEES
REVENUE & TAXATION
RESOURCES & CONSERVATION
LOCAL GOVERNMENT

House of Representatives State of Idaho

July 13, 2000

USDA Forest Service CAET
P.O. Box 221090
Attention; Roadless Areas Proposed Rule
Salt Lake City, UT 84122

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I support the "no action alternative" because:

1. President Clinton has exceeded his constitutional authority. Congress is shamefully inadequate to the task of bringing the president into constitutional compliance, allowing the USFS to aid and abet an unconstitutional activity.
2. Experience has taught Westerners that testimony from local people is duly noted and just as duly dismissed.
3. Many of our federal foresters would like to do the right thing but environmental radicals have, according to former Forest Service Chief Jack Ward Thomas (Post Register April 21, 2000), "...whipped the whole Forest Service."
4. This roadless initiative is not about protecting the environment and forest health. It is an accelerated move toward federal control and distribution of natural resource wealth (mining, timber, grazing, water) by limiting access to dissuade private production. Government control of production and distribution is, by definition, communism.
5. As for extending the comment period, requesting maps, and invoking the General Mining Law, Organic Administration Act, FLPMA, MUSY, NEPA, the National Forest Management Act and USFS Regulations on Locatable Minerals---why bother! We've already been "set up and sold out!"



Lenore Hardy Barrett

attach: Media reports/Challis & Salmon Hearings

FRANK BRUNEEL
DISTRICT 6-A
PERCE COUNTY

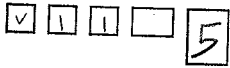
HOME ADDRESS
3207 4TH STREET
LEWISTON, IDAHO 83501
(208) 743-8951



**House of Representatives
State of Idaho**

MAJORITY LEADER

ROADLESS DEIS TESTIMONY



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My name is Frank Bruneel. I am and elected State Representative for District 6, comprising the city of Lewiston and some adjacent outlying area. I speak for and in behalf of the large majority of my constituents. I support the No Action Alternative. How can we possibly consider such an irrational policy to ignore our stewardship responsibilities of the identified 3.8 Million acres of roadless land in Idaho and the 3.9 million acres of like land in Montana

I strenuously oppose this political, special interest motivated movement for Roadless Designation of these lands. We already have large and adequate Wilderness designated areas. Why should we put even more land at risk. Much of these proposed areas are not and should not be roaded, but why remove the management and decision making process from the local forest supervisors. Isn't that their job, what they are trained for and paid to do. How can such a rigid, blanket policy plan as is being proposed be in the best interest of today's forests. We cannot live and conduct our lives as if people don't live here. We do, we care and are responsible for perpetuating our economic futures, recreation and the resources needed by all citizens of our nation.

United States Code, Section 532 in title 16, chapter 2 is specific on the construction and maintenance of roads within and near National Forests.

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COMMITTEES
REVENUE & TAXATION
TRANSPORTATION & DEFENSE
WAYS & MEANS

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We have the necessary laws in place to protect and utilize one of our most prize resources. Let's follow the laws we have, not confound them

The economic impacts of this proposal are not well documented. Common sense dictates that you cannot replace good paying timber resource based jobs with tourism and allow people to survive. The University of Idaho has studies to support this fact.

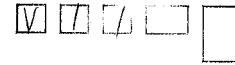
This is a most critical action for our nation and especially for the Western part. If there needs to be some re-evaluation and rule changes, allow all interests to be involved in the drafting and not just be given a "take it all or none" proposal.

"People support what they help create".

Again, I and the majority of the people I represent, oppose this proposed "Roadless Initiative".

Frank C. Bruneel

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ROADLESS ENVIRONMENTAL IMPACT STATEMENT

I am Charles D. Cuddy, Idaho State Representative, District 7, residing in Orofino, Idaho.

When I commenced reading the proposed Roadless Initiative, I was pleased to discover that the amended Roadless Proposal did allow for wood fiber removal for forest health and elk habitat management. This feature has, for too long, not been nationally recognized as necessary for adequate land management.

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Maybe I should have stopped reading at this point and closed the book.

It's my observation that the proposed D.E.I.S. was authored around a predetermined agenda and the immense amount of paper used to produce it would have been much more beneficial had it been used for children's schoolbooks.

Paragraph 2, page 3-209 substantiates my belief that this is a W.D.C. top down, predetermined decision.

I take particular issue with the attitude the wood products employees are transient. I am personally aware of many generations of families that have derived their livelihood from the wood products industry. They have been solid citizens, community leaders, legislators, congressmen, and yes, even governor.

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U.S.D.A. FOREST SERVICE
Roadless Area Conservation

Proposed Rule & Draft Environmental Impact Statement

U.S.D.A. Forest Service
PO Box 2201090
Salt Lake City, UT 84122

ATTN: Roadless Area Proposal Rule

Testimony of Charles D. Cuddy
Idaho State Representative
Legislative District 7

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That particular statement is typical of the Washington D.C. elitist attitude toward our hard working families that earn their living by the sweat of their brow and reside in rural America.

From my observation in this community, federal employee management policy may be a larger contribution to personnel movement than the wood products industry. A stable federal timber availability policy that provides for sustainable, healthy forests will do a lot for not only rural, natural resource dependent communities, but will protect all the values Americans want from their forests.

When I consider the area encompassed, time and effort expended on the I.C.B.E.M.P. and U.C.R.B. proposals and their ultimate questionable acceptability, I cannot even fathom this particular proposal being comprehensively prepared and put in place in less than one year, particularly when it takes about six years just to conclude the sale of twenty truckloads of logs.

A review of pages 3-218-3-220, the draft D.E.I.S. clearly tells the story better than I. This exhibit of affected communities and county resilience clearly identifies incorrect federal land management as the problem. If the President would recognize that this roadless policy is a death knell for our forests, he would withdraw it.

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We all know that the vast majority of federal land ownership is in the West and in counties like Idaho and Clearwater, it, without question, holds the dominant amount of our primary natural resources.

This particular exhibit lists 13 states and 118 communities with potential affect. Four of the listed states are in densely populated areas of the East with a total of 8 communities feeling the negative affect. This leaves 110 communities in 9 western states that are negatively affected.

Thirty-five of these communities are located in Idaho. It should come as no surprise that Clearwater and Idaho counties have as many communities listed as the Eastern United States. This analysis reiterates the point that Washington D.C. top down decisions are controlling federal resources and that, in essence, means non-productivity, forest health crisis and reduced living standards for the families residing in those 110 western communities.

The D.E.I.S. goes into detail about community resiliency in an attempt to justify the pre-determined result. It makes absolutely no mention of studies by Robison and McKetta that reveal there is more than adequate available product to sustain existing mills and

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increase production while harvesting in a sustainable way. There are other unbiased publications that reveal major flaws in the current administrative attitude regarding responsible forest land management. Responsible forest managers would not leave the forest to burn, killing wildlife and fish, polluting the air and water and endangering families in the interface.

As an example, a sawmill that was the major payroll in Grangeville, Idaho, closed in 1993, a town of approximately 3200 inhabitants. The full impact to the community was not immediately felt, but today some 7 years later, there are approximately 100 existing homes for sale in the community and new housing construction is near nil. How many years does the purported community resiliency encompass?

This proposal offers nothing to schools or local government except to expect additional burden on local infrastructure at the expense of the local taxpayer and that an entity that owns 50% or more of the land in a county should not be responsible for equitable contributions toward educating our children, and maintaining roads, bridges, and local communities.

Is it time for Washington D.C. to figure out it cannot manage public land from afar? One only has to look toward New Mexico for a clear view of the results – destruction of the forest, homes and wildlife!

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There are many responsible and professional land managers locally within the federal system that, if given the authority and workable regulations, could accomplish excellent land management. I propose to do just that. However, they must have lands in designations that can be managed. Under this proposal, professional Forest Service foresters will not be able to manage the land except to let it burn.

It is time both the Administration and Congress get serious about this problem and find a workable solution. The first step is withdrawal of this proposal.

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U.S.D.A. FOREST SERVICE
Roadless Area Conservation

Proposed Rule & Draft Environmental Impact Statement

U.S.D.A. Forest Service
PO Box 2201090
Salt Lake City, UT 84122

ATTN: Roadless Area Proposal Rule

Testimony of Charles D. Cuddy
Idaho State Representative
Legislative District 7

Lewiston, Idaho
June 27, 2000

CAET RECEIVED
JUN 05 2000

As I stand here before you today, again, questioning how non-management will benefit Idaho, its residents, and for that matter, the United States of America.

The current D.E.I.S. does not address existing recreational use of wilderness compared to recreational use of lands that have better vehicular access, nor does it justify any increased benefit either recreational or commercial that this proposal will accomplish.

Current land management policy that emphasizes vegetative thinning and controlled burning to manage forestland needs to have access considered for increase rather than decrease if efficient management is to be accommodated.

With federal lands continuing to decrease in produced net revenue combined with current federal budgeting policy, how are present needs going to be maintained, not to mention cost increases that this proposal will incur?. This D.E.I.S. makes no effort to explain how this revised land management will be financed.

This proposal is getting us prepared to substantially increase both financial and vegetative loss from wild fire. The end result being a situation which will destroy vast amounts of a renewable resource while simultaneously devastating the environment with soil damage,

periods of excessive water quality degradation not only by increased turbidity but also by long term water temperature increase.

At some point in time reality will reveal the nearsightedness of current policy and land management will return to those that possess the appropriate technical knowledge and experience.

In the interim, jobs will be lost, resources lost, recreation reduced and local governments unduly burdened to subsidize a federal decision that satisfies only a favored few.

This policy directly hurts education on two fronts as it not only represents reduced or non-funding to schools in the communities adjacent to federal land, but restricts or blocks access to some 12,000 acres of state-owned school endowment land located within the interior of these proposed roadless areas.

These particular lands were granted to Idaho by the federal government as one part of a far-sighted plan for federal contribution to local schools and governments.

This D.E.I.S. makes mention of restitution for either of those takings nor is any accurate appraisal of damage included.

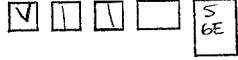
In the interest of fairness, restoration of loss is generally an integral part of any taking. I question whether these issues will in fact under this proposal be deemed compatible with current law.

There are four alternatives in this D.E.I.S. and one is asked to support a preference. Until all the issues are adequately addressed, any choice but to return to the existing forest plan seems to me to be as premature as the proposal before us.

JIM D. KEMPTON
DISTRICT 25
CASSIA, MINIDOKA
& TWIN FALLS COUNTIES

HOME ADDRESS
1000 SOUTH 1156 EAST
ALBION, IDAHO 83311
(208) 673-6261

House of Representatives
State of Idaho



July 10, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rules
P.O. Box 221090
Salt Lake City, UT 84122

To: Whom It May Concern:

Subject: Roadless Area Conservation, Draft Environmental Impact Statement, Summary and Proposed Rule, May 2000.

I have read the May 2000, United States Forest Service document Forest Service Roadless Area Conservation, Draft Environmental Impact Statement, Summary and Proposed Rule and make the following observations and comments:

DEIS ALTERNATIVES:

I do not support Forest Service Preferred Alternative 2 - Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas.

I do not support Forest Service Preferred Alternative B - Forest Planning Process (for Alternative 2 above) Implemented at Next Forest Plan Revision.

1) There has been inadequate opportunity for the state of Idaho to engage in meaningful scoping analysis sufficient to clarify other overlapping and interlocking rule proposals such as the "Road Management Strategy", "The Interior Columbia Basin Ecosystem Management Project", and the "National Forest System Land and Resource Management Planning Regulation". 2) Adequate alternatives, including some road construction, have not been presented. 3) There are no current and accurate maps establishing the boundaries of proposed roadless areas to include existing road mapping within the boundaries. 4) The DEIS 60 day comment period is too short and should be extended by a minimum of 120 days.

I support Roadless Area Conservation DEIS Alternative 1. (No Action, No Prohibitions) and Alternative A. (No Action, No Procedures)

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COMMITTEES
CHAIRMAN
TRANSPORTATION & DEFENSE
REVENUE & TAXATION

ECONOMIC IMPACT: SCHOOLS AND ROADS

The Forest Service Roadless Area Conservation DEIS illustrates that Idaho will be impacted to a greater combined extent than any other state in the lower 48 states. Two of the most significant areas of impact are schools and local highway districts which are funded by the 25% portion of moneys tied by law to income from the sale of forest natural resources and recreational fees. Using a nationwide average in the DEIS and stating that jobs and payments to states would decline about 2% per year under Alternative 2 does not scratch the surface of actual impacts in Idaho.

Idaho splits "25% Forest Service fund money" 70/30 between county highway districts and school districts, respectively. The division takes place at the county level from revenue transferred by the Forest Service through the state Treasurer's office. In 1994, the Forest Service paid the state of Idaho \$25.2 million (\$1.24/ acre). By 1999, the amount had dropped to \$7.5 million (\$0.37/ acre).

Using the ten school districts in Idaho that receive the most money among eighty-five school districts receiving forest funds, revenue dropped from \$5,332,857 in 1994 to \$1,310,131 in 1999; a 75% reduction in five years. This drop resulted primarily from restrictions and delays in timber harvest at a time when timber values were rising nation-wide and in reduced grazing authorizations. The Sawtooth National Forest Service Office estimates that another 9.34% reduction in payments to the state of Idaho will result from implementation of roadless area rules. There is no other tax based aspect of the Idaho economy in the counties where these schools are located that is replacing the loss of these federal funds.

As near as can be estimated without accurate map boundaries and road descriptions, the largest amount of undeveloped forest service land available for timber harvest affecting the ten school districts above lies within the proposed roadless areas. The timber industry has clearly demonstrated that clear cutting is not now the preferred method of timber harvest. With selected timber harvest and a policy of forest husbandry involving reforestation plantings, the timber industry has become a partner in developing and managing new growth timber. However, in order to maintain any semblance of economic stability in the industry, timber harvest must be allowed to move into current roadless areas as new growth plantings mature over time. Expansion of mining operations into roadless areas should be evaluated on a case by case basis.

With regard to local roads and bridges, the impact to highway districts is far greater than the simple dollar value of reduced natural resource in the proposed roadless areas. Local highway districts to which the federal forest fund revenue is distributed are authorized to use this revenue on a 7.34% matching basis with "Transportation Equity Act in the 21st Century (TEA-21)" funds for roads and bridges. For every dollar lost in forest fund revenue, 13.62 dollars can be lost in local funding for highways and bridges; many of which allow the movement of the public to and from activities on federal lands. Local road and bridge revenue received from forest funds dropped from \$17.7million in 1994 to \$5.3 million in 1999; a 70% reduction in five years. As above, this drop resulted primarily from restrictions and delays in timber harvest at a time when timber values were rising nation-wide. Considering Forest Service fund losses since 1994, the potential loss of "TEA-21" funding at a local matching rate of 7.34% is in excess of \$169 million per year. The roadless area proposal will exacerbate the loss of federal funding for local roads and bridges by another \$6.2 million.

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The Roadless Area DEIS cannot be separated from combined impacts of other "overlapping and interlocking" Forest Service rule proposals; rule proposals in documents, such as those identified previously, which are reflective of current ad hoc Forest Service management practices that have driven Idaho's forest fund revenues down since 1994. The effect of such management practices has significantly reduced forest fund payments to Idaho schools and local highway districts. No single regulatory document can be identified as the document which breaches the Unfunded Mandate threshold of \$100 million that requires a statement under section 202 of the Unfunded Mandates Reform Act of 1995 (2USC 1531-1538). Each document will establish that there is not a \$100 million impact to a state or subordinate unit of government of that state. However, in total the impact exceeds \$100 million in Idaho and the impacts are real. Additional scoping discussions are essential to insure Congress agrees to restore eroded Forest Service payments to Idaho before Forest Service roadless area rules are implemented by Executive Order. (See Unfunded Mandates Reform below)

The Forest Service is proposing to implement the Roadless Area Conservation DEIS by rule without accepting a corresponding obligation to reach agreement with Congress to "provide permanent, stable payments that would be unaffected by the level of timber harvest". Without a self imposed obligation to seek Congressional funding prior to implementation of rule by Executive Order, the Roadless Area Conservation DEIS is inconsistent with Forest Service determination that the proposed rule will not have "substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government." The Forest Service does have the "...additional obligation to assess federalism implications at this time". (See Federalism below)

FIRE PREVENTION/ SUPPRESSION

The May 2000 Forest Service Roadless Area Conservation DEIS, (Summary and Proposed Rule) is noticeably deficient in any significant discussion of fire prevention and fire suppression. Suffice it to say, the accumulation of fuels on federal forest land in Idaho will not be diminished by restricting timber extraction to airborne operations; operations that are in an order of seven times more costly than timber harvested along established road networks. Neither is the fire suppression record of the Forest Service a great source of comfort when attempting to establish the risk to adjoining Idaho "endowment lands", "school trust lands" and non-federal personal property in general. The West Yellowstone fire (circa 1988), the 1994 McCall fire and the more recent Cerro Grande fire in Los Alamos come to mind. Neither is the prospect of Forest Service good intentions to construct roads in the face of imminent fire threat a great solace; especially when "imminent fire threat" parameters remain unidentified and when time for preparation of environmental impact statements for road construction is not considered.

Perhaps the cavalier way Forest Service Roadless Area Conservation, (Pamphlet) FS-670, May 2000 address the question of fire suppression best sums my opposition to this whole "rushed" attempt to provide pro-rule information to the public.

To the Question "Would fire suppression activities be affected by the proposed rule?", the Forest Service response is, in part: "No.... The proposed rule would allow road construction if a wildfire threatened public health and safety." Now, seriously wouldn't that particular effort be just a little late?

FOREST PROTECTION "IN ADDITION TO IMPLEMENTING PROHIBITIONS"

Options for implementing discretionary decisions at the local level of Forest Service management is granted for "smaller uninventoried unroaded areas" (no dimension limits addressed) with discretionary decisions being limited only by the a list of generic "uninventoried unroaded area 'characteristics' to be protected" and the imagination of the "local manager", "local decisionmaker", "local official", or "responsible official" - or whom ever. (All four designations are used within two quarter page paragraphs - another instance where language in the document does not give this reader a real comfortable feeling about the quality of the document as a whole.)

This section of the DEIS (Summary and Proposed Rule) gives local forest service officials (my choice of the four possibilities above) almost unlimited authority to establish protective "prohibitions" in smaller areas outside inventoried roadless areas based only on a "forest planning process" yet to be defined. The language also establishes policy by rule which makes no connecting reference to more expansive policy proposed in the Forest Service document National Forest System Land and Resource Management Planning, 64 Fed. Reg. 54,074, (October 5, 1999).

Authorities granted to local forest service officials under the Roadless Area Conservation DEIS do not take into consideration the fact that Idaho's right to manage "endowment lands" and "school trust lands" granted at the time of statehood admission are not to be subordinated to federal actions which violate the 10th Amendment of the United States Constitution.

The ambiguous language between "overlapping and interlocking" rule proposals requires an extended period of time for the state of Idaho to assess related impacts. It is not unlikely that state management of federal lands granted to Idaho at the time of statehood admission will be significantly affected.

RECREATIONAL ACTIVITIES

The Forest Service states that: "Existing access to inventoried roadless areas for recreation opportunities would not change because of this proposal Other types of recreation activities (not requiring roads), such as off-road vehicle use and snowmobiling, would continue in inventoried roadless areas if the land resource management plan allows them today." Roadless Area Conservation, (Pamphlet) FS-670, May 2000.

However, The May 2000 Forest Service Roadless Area Conservation DEIS, (Summary and Proposed Rule) A-13, states: "In roadless areas, people have the opportunity to enjoy unique recreational experiences that are usually not available in more developed areas. These opportunities include the chance to experience *renewal, isolation, independence, and closeness in mostly undisturbed settings (emphasis added)*" Further, on A-13 and 14, "The Recreational Opportunity Spectrum (ROS Users Guide, FSM 2311 and FSH 2309.27) was developed to provide a framework for classifying and defining segments of outdoor recreational environments, potential activities, and experimental opportunities. The ROS's settings, activities, and opportunities represent a continuum that is divided into six classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural and urban. *Inventoried roadless areas and other unroaded areas are characterized mainly by the primitive, semi-primitive non-motorized, and semi-primitive motorized classes (emphasis added).*"

Continuing, "Primitive and semi-primitive non-motorized classes often have many wilderness attributes. In semi-primitive motorized settings, there is little evidence of managerial control, yet these areas allow some (emphasis added) motorized activities, such as off-highway vehicle, over-snow vehicle, motorboat, and helicopter; chainsaw and other motorized tool use; and appropriate (emphasis added) motor vehicle use for other resource management activities."

Combining the paragraphs above, one comes to the rather obvious conclusion that the Forest Service is misleading in Roadless Area Conservation Pamphlet FS-670 and the DEIS. While stating that "recreation activities (not requiring roads), such as off-road vehicle use and snowmobiling, would continue in inventoried roadless areas if the land resource management plan allows them today," that use would be diminished in numbers sufficient to meet competing primitive and semi-primitive non-motorized Forest Service recreational objectives within the same roadless area boundaries.

In short, there will be a significant restriction on numbers of motorized off-road vehicles and snowmobiles, and not all of the areas allowed today for such motorized vehicle use will be allowed under the roadless area proposal.

RS 2477 PUBLIC RIGHTS-OF-WAY:

The "Mining Act of 1866", incorporated language by which Congress offered to grant rights-of-way to states and/or subordinate units of state government to construct highways over unreserved public lands. This provision later became Section 2477 of the Revised Statutes, or more simply, "R.S. 2477". This statute was later recodified as 43 United States Code 932.

Under "R.S. 2477", the grant of a right-of-way is self-executing. An "R.S. 2477" right-of-way comes into existence automatically when a public highway is established across public lands. (Standard Ventures, Inc. v. Arizona, 499 F.2d, 9th Cir. 1974; Sierra Club v. Hodel, 848 F.2d, 10th Cir., 1988.) Among other things, the courts have historically ruled that standards sufficient to establish "R.S. 2477" rights-of-way include trails and former routes of trade, commerce, or transportation that have been frequented by public users for such a period of time and/or under such conditions established by state law as to prove that a public right-of-way has come into existence.

Subsequent Department of the Interior (DOI) models for establishing the validity of "R.S. 2477" claims are presented in the June 1993 DOI Report to Congress on R.S. 2477; notably the "1980 Solicitor's Office Interpretation" and the "1988 (Hodel) Policy". The Forest Service has also adopted the DOI 1988 Hodel policy.

One hundred ten years after its enactment, "R.S. 2477" was repealed by the Federal Land Policy and Management Act (FLPMA) of 1976. Rights-of-way authorization established pursuant to "R.S. 2477" prior to its repeal in 1976 remain in effect.

Although "R.S. 2477" was repealed by FLPMA on October 21, 1976, the Omnibus Consolidation Act of 1997 (P.L. 104-208), under "General Provisions", Title I, (Department of the Interior), Section 108., provided this additional guidance to the Executive Branch of the federal government:

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"No final rule or regulation of any agency of the federal government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the enactment of this Act (emphasis added)".

By letter of July 29, 1997, to James F. Hinchman, Acting Comptroller General of the United States, seventeen members of the United States Congress evidenced their conviction that the language of Section 108. was not ambiguous; that the term "subsequent to the date of enactment of this Act" was intended to have effect beyond the fiscal year covered by the bill, that the section applied to "any agency of the federal government", not just the Department of the Interior, and that the language of the Act was, in fact, permanent beyond the fiscal year of the Act itself. The letter requested a response from the Comptroller General.

By letter of August 20, 1997, General Counsel of the Office of Comptroller General of the United States concluded that Section 108. was, in fact, permanent law. By the simple meaning of the language of the law, the law is applicable to any agency of the Federal government.

Under 40-204A(5), Idaho Code: "Any member of the public, the state of Idaho and any of its political subdivisions, and any agency of the federal government, may choose to seek validation of its rights under law to use granted rights-of-way either through a process set forth by the state, through process set forth by any federal agency, or by proclamation of user rights granted under the provisions of the original act, Revised Statute 2477."

This section of Idaho Code envisions possible creation of "public roads" across federal land under self-executing authority granted through "R.S. 2477". Under Idaho Code, there is no distinction of a "road" being other than a "highway". In fact, "road" is specifically defined in terms of "highway."

The May 2000 Roadless Area Conservation Draft DEIS (Summary and Proposed Rule) ignores the Omnibus Consolidation Act of 1997 (P.L. 104-208); specifically, "General Provisions", Title I, (Department of the Interior), Section 108., as presented above. The Forest Service edict by rule that no new roads, or reconstructed roads, will be allowed within "inventoried" Roadless Areas on National Forest System lands is a defacto decision to deny the validity of any legitimate "R.S. 2477" right-of-way validation by a state or subordinate unit of state government.

The issue of legitimacy of a "R.S. 2477" right-of-way validation action is further obfuscated by the lack of any court finding which supports the "1988 Hodel Policy"; a policy which defines federal "unreserved public lands" as lands not reserved or dedicated by Act of Congress, Executive Order, Secretarial Order, and some classifications by statute (emphasis added). In Nevada, the issue of "road possession" on South Canyon Road, south of Jarbridge, is a case in point; although not a roadless area issue per se.

The Roadless Area Conservation DEIS pits Executive Order authority and Secretarial Order authority, which were not established or defined in connection with enactment of "R.S. 2477" in 1866, against the express direction of the United States Congress in 1997 that "no rule or regulation of any federal agency federal government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the enactment of this Act." (See Federalism below.)

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BON F. SCHNEH
DISTRICT 4
KOOTENAI, SHOSHONE
& BENEWAH COUNTIES
HOME ADDRESS
P.O. BOX 7
COEUR D'ALENE, IDAHO 83816
(208) 687-9770



100-1

COMMITTEES
APPROPRIATIONS (JFAC)
TRANSPORTATION & DEFENSE

UNFUNDED MANDATES REFORM

The Forest Service has determined that: "Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2USC 1531-1538)...This proposal does 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 Act is not required."

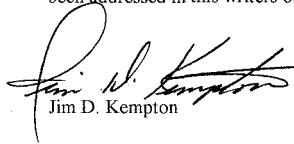
I do not concur. See Economic Impact: School and Roads above.

FEDERALISM

The May 2000 Forest Service Roadless Area Conservation, Draft Environmental Impact Statement, Summary and Proposed Rule states: "The agency has considered this proposed rule under the requirements of Executive Order 12612 and has made a preliminary assessment that the proposed rule will not have substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, the agency has determined that no further assessment on federalism implications is necessary at this time"

I do not concur. See Economic Impact: Schools and Roads and R.S. 2477 Rights-of-Way above.

In conclusion, the scoping process and comment period for the Forest Service Roadless Area Conservation DEIS have been rushed to the point the NEPA process has been seriously compromised. As a minimum, the comment period for the DEIS should be extended another 120 days. A more reasoned approach would be to re-enter the scoping phase for proposed roadless area rules and to address the multitude of issues that remain unanswered, a few of which have been addressed in this writers observations and comments.


Jim D. Kempton

House of Representatives
State of Idaho

July 7, 2000



CAET RECEIVED
JUL 10 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Chief:

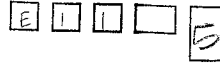
I am opposed to the Forest Service's new regulations that claim to protect certain roadless areas within the National Forest System (36 CFR part 294; RIN: 0596-AB77 Special Areas; Roadless Area Conservation).

A citizen legislator, I am an elected Idaho State Representative. My Legislative District includes the Coeur d'Alene National Forest Lands and all the St. Joe National Forest Lands within Shoshone County. I am a member of the Western Legislative Forestry Task Force (6 western states & 3 provinces of Canada).

I am certain that taking this action at the national level is inappropriate. Not enough effort has gone into the development of the proposed rule, alternatives, and environmental analysis. The hearing period is too short. The idea is clearly an executive choice extremely unpopular with locals most impacted, who are patronized and out-voted. Yet, they are prepared, willing, and capable of being proper stewards of our national lands.

Folks of good will throughout this nation will cast a "yes" in favor of this proposal without the benefit of knowledge of local conditions, issues, and concerns. The huge majority will never visit, understand, or feel the impacts of any local forest practices be they good or bad.

18627



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Denying access for multiple use of the Panhandle National Forest from the current 76% to 31% is drastic and will place these lands under forest management policies of inaction. Such a choice will subject these lands to greater protection costs and increased risks of devastation.

The proposal fails to recognize issues of diversity. It circumvents existing forest plan management areas and their development processes. The suggest rule questionably meets the "sustainability" criteria of the Committee of Scientists. Their conclusions are already forgotten in lieu of this new fast track agency claim that this land plan "will provide lasting values for future generations." Some scientists counter that this rule will instead "provide lasting waste." For example, it's more of a "National Transportation Policy," which completely fails to address "National Forest Health Policies." Strong evidence supports the fact that most of our local forests are dying faster than they are growing.

I remain opposed to the Forest Service's new regulations that claim to protect certain roadless areas withing the National Forst System (36 CFR part 294; RIN: 0596-AB77 Special Areas; Roadless Area Conservation).

Sincerely,

Don Pischner

Because of the great harm that would be done to the school districts and the population of the district I represent, I can only support Alternative A.

Our schools and infrastructure have already suffered immensely and can not tolerate further decline in the timber industry. What the Federal Government may perceive as best for Idaho, may not fit into the economic structure of the area. The laser beam needs to focus on what is right, and what is best for the people, both now and for the future. That focus must include societal needs and the economic aspect of the issue, and MUST be included in any decision making.

I am fully against clearcutting, or anything that comes close to that, however, to sustain healthy forests they must be managed for disease and fire control. We are told that in case of an out of control forest fire, roads could be built to suppress such a fire. My question is: how do you effectively build a road under those conditions?

We are also told that the wish is to preserve our forests for hunters, fishermen, and hikers. This then would make access available only to the healthy and the wealthy. How will the ordinary person hike these distances to recreate? Perhaps on horseback with a guide? Quite pricey. They won't be able to do so. How can the miner who has a claim access the mine and take in equipment and supplies? He won't be able to do so. I firmly agree that we need to protect our forests for now, and for the future. We all want clean air and clean water; I don't think anyone will dispute that. However, I strongly believe that with sound science and reasonable management, we can have both, environmental protection for Idaho's heritage, and assessable forest land.

I urge you to listen to the people who will be so intensely affected by your decision....select Alternative A. Thank you.

**Testimony given by Representative, Mary Lou Shepherd,
District 4 June 21, 2000.**

CAET RECEIVED
JUN 03 2000

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29021

Judith T. Ellis
P.O. Box 5
Indian Valley, Idaho 83632
(208) 256-4440

I'm Gary Pietsch representing State Representative Jerry Stoicheff who needed to be in Boise at the State Convention today.

We must be able to use the resources that we have. We live in a timber area. It is our heritage. Boundary County and Bonner County were founded on the limbs of timber. Our people need to be able to make a living wage and the timber industry enables us to do that. If we shut the forests down to roads, we are also shutting down an access to put out fires. The fires may be caused by lightning or careless people but they all turn our timber black, ruin the habitat for wildlife, and are a useless waste of lumber. We also need to rid some of the area of undergrowth and to cut diseased trees before they infect other timber.

The Forest Service needs to provide reasonable alternatives to the Roadless Choice. There needs to be a compromise that still allows for jobs and timber production. If there are 3.8 million acres of Roadless land in Idaho we need to allow for road building to cut down on the risk of catastrophic wildfire. In order to manage our forests, we must have access to them. We have all seen black areas of trees that have been burned both near Bonners Ferry and Sandpoint.

A good, hard look needs to be taken into the economic impact for Boundary and Bonner Counties if the mills are shut down and the mills will shut down if no one can get into the forests. Our counties are not the ones that are booming ahead with great financial gains. Alternatives must be expanded to permit road construction in some of the roadless areas to help the economy and for job opportunities in our northern region.

CAST RECEIVED
JUN 30 2000

July 16, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
877-703-2494

Dear United States Forest Service,

I recently ran for and was elected County Commissioner in Adams County, Idaho. Over two thirds of our county is in the Payette National Forest.

As I campaigned, the major concern the voters expressed was for maintaining access to public lands. The *Roadless Initiative* is perceived as proof of an encroaching effort by the federal government to close off currently unroaded lands, in ever smaller and smaller tracts, with the goal of eventually ending multiple use entirely. Grazers cite steady reductions of grazing permits, and numbers of cattle and sheep allowed per permit. Loggers cite the increased use of what they see to be warped use of Endangered Species Act categorization to shut down the forests to harvest. And hunters mix up various unrelated road related policies that close surplus roadage, as proof of an attempt to close them out of the forests as well.

My understanding is that the Payette National Forest was required to study and categorize their roadless lands in 1995. They have done this. In that study, additional lands that adjoin the Frank Church Wilderness Area were suggested as appropriate for adoption as wilderness, but flexibility and local control were retained to allow for continued forest harvest. This plan seems sufficient for management of the Payette National Forest, and because it retains control in the hands of our local Forest Service personnel, it is generally accepted in our community, even though it withdraws additional lands from multiple use.

But, coming so soon after the 1995 study, the Roadless Initiative appears to throw out the planning expertise of our local Forest Service. It would withdraw 10% more or the remaining forest from multiple use. And it appears to confirm the fears of local people that the Federal Government is a voracious animal with an unquenchable appetite for locking up the forest, a government that does not honor agreements for more than a few years.

In light of the input of my constituents, and to preserve as much local control as possible, I urge you to adopt Alternative 1, "No Prohibitions", and allow local managers to continue to make case-by-case decisions.

I further urge you to adopt Alternative C, "Project-by-Project Analysis, and to avoid adopting any one-size-fits-all forest plan for roadless areas. Not only do I feel that local Forest Service personnel are more competent to make these decisions based on their experience with local conditions, but local citizens feel more loyalty to the decisions that are reached.

In the special case of the Tongass National Forest, a single forest plan would potentially halt growth and development of a currently undeveloped area of the county. I do not think this is an appropriate choice for the Forest Service to make.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

29021

Also, I urge that you seek clarification of the term "unroaded", so as to avoid litigation that could arise if, say, someone were to assert that by definition all places that were not actually roads were "unroaded".

Further, I urge you to go out of your way to not contribute to the urban/rural stereotyping that is already rampant in our society. While comments about rural communities that include logging activities mentioned on 3-190 and 3-191 cannot be faulted singly, taken as a body the implication is that such communities are expendable, or certainly nothing worth working to save.

First of all, there are, at least in this vicinity, no purely "logging" communities. Logging is one aspect of the economy. An important part, to be sure, but not the only one. It is impossible in this age of communication to predict exactly where any business can be located. And, all sorts of businesses and people with varying degrees of education are located in what formerly might have been called logging communities. Further, there has been a major influx of retirees into communities surrounded by national forests, because of recreation opportunities, lower land prices, and the beauty of the landscape. Thus, it is unfair to generalize about citizens and communities in the neighborhood of a national forest.

It is legitimate for the Initiative to attempt to discuss what the adoption of the policy would be in human terms. But care should be taken not to encourage notions, such as assuming that unemployment of loggers would lead to increased alcohol and drug use, and thereby to civic decay. Communities are impacted, to be sure. But rural communities are more resilient and multi-faceted than your report takes into account. They often have resources of personal support that are unfamiliar to urban people. I don't say it is an easy task to represent the strengths of small rural communities fairly, but you owe it to the communities where the forest is located to try.

Lastly, I urge the Forest Service to work to increase trust in the local areas that, once a policy is adopted, that the Forest Service will continue to honor it for the foreseeable future. I recognize that the Roadless Initiative may, in fact, have been an attempt to do just that, even though I oppose the preferred alternatives. I also recognize that there are many disparate interests competing to decide how the public lands will be used, so the Forest Service has a hard time satisfying everybody.

But, at the local level, the major reality is that nothing is ever certain dealing with Forest Service policy. There appears to be a new study or a new policy every time we turn around. And the steady trend is toward more and more restrictions and less and less access. To the extent that it is possible, it would reduce hostility and resistance to the government if there were some certainty that policy could be counted upon, and agreements honored.

Thank you for consideration of my input.

Sincerely,

Judith T. Ellis,
Commissioner Elect
Adams County, Idaho

BOISE COUNTY BOARD OF COUNTY COMMISSIONERS

10110

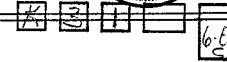
JOHN N. DYER
District I Commissioner

JOHN S. FOARD, JR.
District II Commissioner



DALE HANSON
District III Commissioner

RORA A. CANODY
Clerk to the Board



June 23, 2000

CERTIFIED RETURN REQUESTED

USDA Forest Service-CAET
Attn: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

CAFT RECEIVED

JUN 29 2000

RE: Boise county FOIA Letter Dated May 12, 2000

Dear Sirs:

We are unable to prepare the necessary comments on the Roadless Area Conservation Draft Environmental Impact Statement (DEIS) until such time we have knowledge of the total "uninventoried unroaded" areas within the Boise National Forest.

Given the relatively large amount of inventoried roadless areas on the Boise, the size of the "uninventoried unroaded" areas will be critical to our ability to assess the impacts of the Roadless DEIS on the Boise National Forest and on the citizens of Boise County. As the elected officials directly responsible for the health and safety of the citizens who live and recreate in and around the Boise National Forest, we have serious concerns about the Forest Service's ability to reduce the threat of high intensity fire in this urban/wild land area.

We are, therefore, requesting a one-hundred and twenty (120) day extension of the comment period, in hopes we will receive the information requested in our FOIA letter dated May 12, 2000.

Your prompt attention in this matter is appreciated. If you have any questions or comments concerning this request, please contact us or the Boise County Clerk, Rora Canody, at 208-392-6636.

Sincerely,

John S. Foard
Chairman

John N. Dyer
Commissioner

Dale Hanson
Commissioner

cc: Idaho AG
IAC
file

• P. O. Box BC, Idaho City, Idaho 83631 • Office (208) 392-6636 • FAX (208) 392-4473 •

BOISE COUNTY BOARD OF COUNTY COMMISSIONERS

10110

JOHN N. DYER
District I Commissioner



DALE HANSON
District III Commissioner

JOHN S. FOARD, JR.
District II Commissioner

RORA A. CANODY
Clerk to the Board



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10104

Boundary County Commissioners
Murreleen Skeen, Chairman
Merle E. Dinning, Commissioner
Kevin Lederhos, Commissioner

County of Boundary

P.O. Box 419
Bonanza Ferry, Idaho-83805

May 12, 2000

CERTIFIED MAIL
RETURN RECEIPT

Kathy Oelke
Freedom of Information Act/Privacy Act Officer
United States Department of Agriculture
Forest Service
14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

RE: Freedom of Information Act Request

Dear Ms. Oelke:

This is a Freedom of Information Act (FOIA) request seeking certain documents related to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

The DEIS separates currently unroaded areas into a variety of categories. One of those categories is uninventoried unroaded areas. The DEIS does not contain any maps of these uninventoried unroaded areas for the Boise National Forest in Region IV of the Forest Service. We are requesting a current map of the Boise National Forest that specifically identifies the uninventoried unroaded areas within that National Forest's boundaries.

As you are probably aware, the Forest Service has allowed a very brief period of time to comment on the DEIS. Indeed, the Forest Service has indicated that it will deny any request for an extension of the DEIS comment period. Therefore, we respectfully request that you respond to this FOIA request prior to the expiration of the DEIS comment period on July 17, 2000. Please bear in mind that a federal judge reviewing the initial scoping documents for the roadless initiative indicated that accurate maps are an important aspect of the meaningful participation guaranteed by the National Environmental Policy Act.

We appreciate your prompt attention to this request. If you have any questions or comments concerning this request, please contact us or the Boise County Clerk, Rora Canody, at 208-392-6636. If you wish to fax documents, our fax number is 208-392-4473. If sending documents via electronic mail is more convenient, our electronic mail address is RCanody@co.boise.id.us.

Sincerely,

John S. Foard, Jr.
John S. Foard, Jr.
Chairman

John N. Dyer
John N. Dyer
Commissioner

Dale Hanson
Dale Hanson
Commissioner

July 11, 2000

USDA Forest Service - CAET
Attention Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

The Board of Boundary Commissioners is in the process of obtaining information through a Freedom of Information Act request through the United States Department of Agriculture. Since we have not received the requested information in a timely manner, we are at this time requesting an extension of the comment period. Enclosed is a copy of the Freedom of Information Act request.

Sincerely,

Murreleen Skeen

Murreleen Skeen
Chairman

Merle E. Dinning

Merle Dinning
Commissioner

Kevin Lederhos

Kevin Lederhos
Commissioner

PART RECEIVED
JUL 15 2000

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enclosure

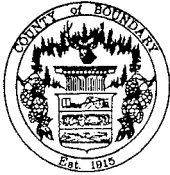
cc: Matthew McKeown, Idaho Attorney General's Office
Paul Beddoe, Policy Analyst Idaho Association of Counties

• P. O. Box BC, Idaho City, Idaho 83631 • Office (208) 392-6636 • FAX (208) 392-4473 •

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

Boundary County Commissioners
 Murreleen Skeen, Chairman
 Merle E. Dinning, Commissioner
 Kevin Lederhos, Commissioner



County of Boundary
 P.O. Box 419
 Bonners Ferry, Idaho--83805

June 13, 2000

Kathy Oelke
 Freedom of Information Act/Privacy Act Officer
 United States Department of Agriculture
 Forest Service
 14th & Independence SW
 P.O. Box 96090
 Washington, DC 20090-6090

RE: Freedom of Information Act Request

Dear Ms. Oelke:

This is a Freedom of Information Act (FOIA) request seeking certain documents related to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

The DEIS separates currently unroaded areas into a variety of categories. One of those categories is uninventoried unroaded areas. The DEIS does not contain maps of these uninventoried unroaded areas for the Panhandle National Forest in Region 1 of the Forest Service. We are requesting a current map of the Panhandle National Forest that specifically identifies the uninventoried unroaded areas within that National Forest's boundaries.

As you are probably aware, the Forest Service has allowed a very brief period of time to comment on the DEIS. Indeed, the Forest Service has indicated that it will deny any request for an extension of the DEIS comment period. Therefore, we respectfully request that you respond to this FOIA request prior to the expiration of the DEIS comment period on July 17, 2000. Please bear in mind that a federal judge reviewing the initial scoping documents for the roadless initiative indicated that accurate maps are an important aspect of the meaningful participation guaranteed by the National Environmental Policy Act.

We appreciate your prompt attention to this request. If you have any questions or comments concerning this request, please feel free to contact us at (208) 267-7723. If you wish to fax documents, our fax number is (208) 267-7814. If sending documents via electronic mail is more convenient, our electronic mail address is bccommis@dmj.

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 Kathy Oelke
 June 13, 2000
 Page 2

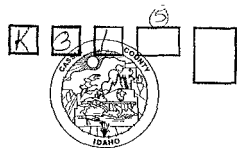
Sincerely,

Murreleen Skeen
 Chairman

Merle Dinning
 Commissioners

Kevin Lederhos
 Commissioners

njr



OFFICE OF THE COUNTY COMMISSIONERS
COUNTY OF CASSIA

1459 Overland Avenue
BURLEY, IDAHO
208-878-7302

COMMISSIONERS
PAUL CHRISTENSEN
SHIRLEY POVLSEN
DENNIS CRANE

CLERK OF THE COURT
DARRELL M. ROSKELLY
PHONE: 208-878-4367

July 10, 2000

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Page -2
July 10, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 11 2000

CAET RECEIVED
JUL 12 2000

RE: Roadless Area Conservation Project DEIS Comment.

To Whom It May Concern:

As the Board of Commissioners for Cassia County, Idaho, we offer the following comments in opposition to the proposed rule providing national level direction surrounding management of roadless areas.

It is our position that Prohibition Alternative 1 - No Action; No Prohibitions and Procedural Alternative A - No Action; No Procedures should be emphasized. We believe that it is in all parties' best interest to consider plans for road construction and reconstruction on a case-by-case basis at the local level. Therefore, we now go on record as being opposed to the proposed rule prohibiting road construction and reconstruction in inventoried roadless areas.

The basis for our position is essentially that active management of resources is needed at all levels. Proper and well-thought out management of renewable resources, including carefully managed harvest as needed at local levels, lessens the burden on non-renewable resources in our national forests. Blanket prohibitions at the national level will not allow for the local input and local management to ensure that harvests will protect the integrity of our public lands. We view this one-approach-suits-all as being against the interests of the public.

With respect to ecological factors addressed at Summary page 36-37, the study

indicates that the prohibition of road construction and reconstruction *could* potentially have important ecological effects. The study specifically states that "[t]hese effects would vary by area, depending on size, location, and kinds of disturbance that have occurred within and adjacent to an area." We agree that such variance of effect depends on the local situation. This being the case, a hands off management approach is ecologically dangerous and imprudent. Local management is needed so that, considering these local variables, those with local knowledge can develop, on a case-by-case basis, the best approach for management and to provide the most appropriate outcome for use of resources to sustain beneficial ecological results in any given local area. Local information, local knowledge and local understanding should always be brought to bear in the resolution of local issues.

In regard to Human Uses impact at Summary, page 37, we agree that:

Timber sales are used to achieve a variety of vegetation management objectives, including restoring, improving, or maintaining forest health using stewardship purpose sales and providing a sustainable yield of forest products to meet the nation's demands using commodity purpose sales. Timber sales are often used as the least expensive method for managing vegetation to meet resource objectives such as improving wildlife habitat, reducing fuels that may increase fire risk, restoring areas after natural disasters, and combating insect and disease infestations.

We also note that timber sales assist in management of fire prevention, fire fighting and suppression, and the control of catastrophic wild fires. They are an effective means for the control and eradication of noxious weeds. Timber sales are also an effective tool in the control of insects and disease outbreaks in timbered areas.

While, as is pointed out at Summary page 37, "timber harvesting can result in additional stream sedimentation, water temperature changes, and habitat fragmentation and destruction", we are confident that through current existing management and regulations, these issues can be appropriately managed and mitigated. In fact, local understanding of such factors can provide for favorable outcomes where such factors are of concern. A national rule that requires hands off from public lands will not address issues of stream sedimentation, water temperature changes and habitat fragmentation and destruction. It will merely allow to happen, what will happen. With ever increasing pressure on resources world-wide, it no longer works to turn and walk away. We must be even more vigilant in our stewardship responsibilities over natural resources to ensure

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July 10, 2000

their proper use today and their availability for tomorrow.

In considering Social and Economic factors at Summary pages 39 - 41, the impact of the proposed rule will result in the import of timber, commodities and food. No longer would we rely on historical harvests to meet local and regional demands. However, there remains a global impact. Harvest will necessarily have to occur somewhere to meet ever-growing demands and someone will have to face those impacts. We need to manage our own resources and resource bearing lands, and thereby provide control over our economic destiny. If we bypass our local, historical harvest opportunities there is, in addition to the loss of local natural resources, a loss of the economic multiplier to the local community. This loss of economic multiplier is significant on the local level and of such magnitude that the recreational usage that the proposed rule tries to protect by the proposed rule simply cannot and will not fill the gap.

For instance, the impact of the Spotted Owl/Endangered Species Act has resulted in the loss of over 66% of renewable timber harvests in the Pacific Northwest since its introduction. Correspondingly, timber costs have increased dramatically. This has effectively cut off affordable housing to some segments of our community. Jobs are lost. The pursuit of the "American Dream" is crushed because we refuse to face difficult issues where they need to be dealt with -- on the local level. This situation is untenable.

Also, in review of federal compensation to counties in Idaho, we note a decrease of 33% of total payment amounts between FY 1993 and FY 1998 (the latest figures available). The net impact of this significant decrease is that Counties are strapped with provided burgeoning necessary services, without benefit of economic activity on public lands. With so much of our County being federal land, we believe that local decisions mitigate impact on that federal land while also mitigating impact on the local citizens. Localized decision making will best provide a win-win relationship. This will best serve the public interest.

The trend, and what is proposed by the current study, is to set "national guidelines" so accountability and decisions are removed from where they ought to reside -- on the local level -- where impact is the greatest. We do all of this under the guise of "public interest". But isn't public interest best served by facing, and making, decisions at the local level, on a case-by-case basis? We believe such decisions, as affect ecological factors, human use factors, and social/economic factors are best made on the local level.

By setting national directives to govern local issues, we all abdicate effective

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July 10, 2000

management of our resources. It is true that if the proposed rule is adopted, we have less responsibility. It is also true, if we walk away from that responsibility, we all give up freedom. We are willing to continue to accept responsibility for our local natural resources, and to concurrently enjoy freedom to do what is best for our local public interests. We all have stewardship responsibilities for these resources and so should have input into decisions affecting their use. The study indicates that such a process is steeped in controversy. This only means that the process of local decision making works. Those affected have differing opinions and ideas of how and when to use our natural resources. Let the controversy work out to the best good for those affected at the local level by having decisions that consider all facets of the issue, with decisions that have to answer to those varying opinions and ideas. This tempering of decisions in the fiery furnace of controversy will encourage careful, thoughtful and prudent use of natural resources, while providing more scrutiny over the very factors the proposed rule seeks to address.


In conclusion, proper local management and local stewardship will best provide for lasting value of our renewable resources for current populations and for future generations. We implore you to not give effect to the currently proposed rule, but rather allow decisions concerning our public lands to be made at the local level, on a case-by-case basis.

Please note in this vein, we also opine that with regard to Uninventoried Roadless areas of less than 1000 acres, such areas should be managed only on the local level.

Respectfully submitted,
BOARD OF COMMISSIONERS
CASSIA COUNTY

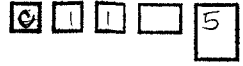

PAUL CHRISTENSEN, Chairman


SHIRLEY POVLSSEN, Commissioner


DENNIS CRANE, Commissioner

19312

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Page -5
July 10, 2000

cc: Senator Craig
Senator Crapo
Representative Chenoweth-Hage
Representative Simpson
State Representative Kempton

CASSIA COUNTY PUBLIC LANDS COMMITTEE

Paul Ward Chairperson 1960 S. Elba-Almo Rd. Elba, Idaho 83342 638-5526	Earl Warthen Vice Chairperson 1047 S. Hwy 77 Albion, ID 83311 673-5385	Karl Austin Secretary-Recorder 3024 S. Goose Creek Rd. Oakley, Idaho 83346 436-1562	Cassia County Courthouse Burley, Idaho 83318 878-7302 Fax 878-9109
--	--	---	--

July 5, 2000

CAET RECEIVED
JUL 10 2000

USDA Forest Service-CAET
P. O. Box 221090
ATTN: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Sirs:

We would like to take this opportunity for comment on the ROADLESS AREA CONSERVATION - PROPOSED RULE. We are adamantly opposed to the proposal until the following issues are resolved:

- 1) The Prohibition Alternative is not an option.
- 2) Some form of classification, recognition and management that addresses the roads that currently exist in these so called "roadless" areas needs to be developed. Until USFS acceptance and management plan (with public input) is developed, this proposal should not proceed. The fear with proceeding with this proposal until the existing "ghost roads" are addressed, is that the following scenario could happen. These areas have been inventoried under RARE I and RARE II ^{AND CONTAIN} ~~has been~~ roads. Yes, there are roads in these areas but the roads that exist do not fit in the existing USFS road classification system. Therefore, these "ghost roads" are not roads and do not exist in the eyes of the USFS. These "ghost roads", after the implementation of this proposal, could be perceived by the USFS as new roads and are instantly closed. Address this issue before allowing this proposal to continue to ROD.

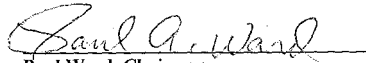
Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

- 3) Do not allow this proposal to permanently handicap the USFS in future ecosystem management programs that might require a new road or roads. Do not allow this proposal to restrain possible economic requirements that might require a new road or roads.

Thank you for the opportunity to comment on this critical matter.

Sincerely,


Paul Ward, Chairman

KLJL 6E
yes

43859

P.O. Box 586
Orofino, ID 83544

Commissioners

Phone: (208) 476-3615
Fax: (208) 476-3127

Earl E. Pickett, Chairman
H.L. "Bud" Bonner
David L. Ponozzo

Clearwater County Commissioners

June 20, 2000

PAFF RECEIVED
JUL 14 2000

USDA Forest Service – CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

The Clearwater County Board of Commissioners is opposed to the proposed changes to roadless areas being considered in the agency's Roadless Area Conservation Strategy Draft Environmental Impact Statement. The Board is going on record as supporting Alternative 1, no change.

Prohibiting or limiting activities on the national forests is not in the best interest of Clearwater County. The Board supports carefully designed timber harvests as necessary to provide healthy forest ecological systems. We also support recreational activities that allow the majority of people access to the forests.

We strongly believe that management decisions should be made by Forest Service personnel who know the forest they are managing. History has proven that national forests must be managed to survive disease and wild fires and create habitat for animals. Scientific evidence supports this.

To manage the remoteness of the forests, a good road system must be maintained and funded. Roads do not necessarily have to be permanent. New roads, as well as, old roads can be obliterated. Many roads have been obliterated successfully and that is always an option if management decides a road is no longer necessary. Road building should be a management tool to be utilized at the local agency's desecration.

The Clearwater County Board of Commissioners questions the current process concerning this conservation strategy. The National Environmental Policy Act (NEPA) was created to allow citizens' input towards making a decision. According to the media,

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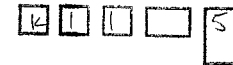
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a political decision has been made and will be executed regardless of public input. The speed of the decision adds some credibility to this accusation. Therefore, the Board of County Commissioners is requesting a 120-day extension for public comments.

Sincerely,

David L. Ponzoso, Pro Tem Chair
Board of County Commissioners
Clearwater County, Idaho

**BOARD OF COMMISSIONERS
CUSTER COUNTY, IDAHO
P.O. BOX 385 - CHALLIS, IDAHO 83226
(208) 879-2360**



July 17, 2000

USDA Forest Service-CEAT
Attention: Roadless
P.O. Box 221090
Salt Lake City, Utah 84122

To: Whom It May Concern
Subject: Roadless Areas

CAET RECEIVED
JUL 17 2000
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As County Commissioners for Butte, Custer and Lemhi Counties, Idaho, we appreciate the opportunity to comment on the Roadless Areas Conservation Project. Our economies depend upon our natural resource base. Ninety plus percent of the combined areas of our three counties are public lands managed for the most part by the Forest Service (FS) or Bureau of Land Management (BLM). Thus, our constituents and we are very interested in federal policies and/or directions that affect these lands and our economy. Our comments have been developed jointly by a committee of concerned citizens. However, each county will be submitting individual responses. In addition, although we have joined forces to develop comments, our constituents and we retain the right to pursue further actions either individually or jointly.

Custer County has formally requested under the Freedom of Information Act an inventory of the unroaded areas for the Challis/Salmon National Forest and the Sawtooth National Recreation Area. After a reasonable amount of time, we have not had the courtesy of a reply or even an acknowledgement of our request. It is impossible to analyze the document when information is not available, nebulous or withheld.

The roadless process is not collaborative but an executive fiat. It ignores previous agreements resulting from years of collaborative efforts between Local, State and Federal Government. Based on the comments made by the administration, this plan appears to be a thinly veiled attempt at turning what should be a public process into a political one.

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Now to some specifics:

- Federal Agencies manage 90.4% of the lands in Butte, Custer and Lemhi Counties. The Salmon-Challis National Forest is more than 4.3 million acres. This proposal would directly affect more than 2.2 million acres. Nearly one third of this area is already part of The Frank Church River of No Return Wilderness; the largest wilderness in the lower 48 states with much of the rest being too rough of terrain to even consider roading.
- There are 3,807 miles of numbered or system roads on the Salmon-Challis National Forest. This proposal will affect fully 82 % of these roads (85-86 % when we include the travel plan). If we refer to the Upper Columbia River Basin Draft Environmental Impact Statement (UCRBDEIS), the least roaded category calls for road densities of 0.07 miles of road per acre. Even if we include the estimated 7000 miles of non-system roads we are still below this designation.
- As a part of this process, the Forest Service is to determine the "social values" that are associated with this process. If this proposal is allowed to go through as proposed our traditional access over these roads will be denied and will affect the history, custom and culture (social values) of not only our citizenry, but also that of all forest users. Rather than dispersing the impact of our recreational activities over the whole forest, we will concentrate not only our activities but also our impact. This will be further compounded if our land managers are not allowed to reconstruct (maintain) existing roadways.
- Douglas-fir ecosystems were historically maintained with non-lethal fires to develop large diameter trees, similar to those typical of ponderosa pine ecosystems. They are in poor health due in some part from a no-fire policy. Similarly, the Ponderosa pine ecosystems are in poor health for much the same reason. These stands now contain large amounts of ladder fuels. Fire has now been added back into the management of these stands. Mechanical means are needed to return both of these systems to a place where fire can again take its natural role. Without the ability to access these stands, catastrophic destruction of the entire system will be the effect.

Therefore, as we see your proposal, our local Forest Service Land Managers will not have adequate access to manage these lands for:

- a) Forest health (ecological value's implications).
- b) Watershed restoration (Clean Water Act implications).
- c) Fire management (Clean Air Act implications).
- d) By disallowing access you are eliminating options for future generations and rendering active forest management extinct.

This is not "caring for the land and the proposed transportation" plan could easily mandate closure of existing roads that are well traveled by our senior citizens, disabled,

veterans, and families with young children or those in poor health. The history, culture and customs of our county residents value the access to these areas. Making 80% of the Salmon-Challis National Forest inaccessible to most American Citizens is not "serving people" or "meeting their diverse needs."

In your environment impact statement it is imperative that you analyze the cumulative effects of the following actions on our counties and identify mitigation to offset economic losses. Essentially we are calling for the "No action alternative" and as such, there is no need to initiate the process as we are already doing these things.

These actions are:

- Proposed Rule Change for Planning Regulations
- Road Transportation Plan
- Roadless Area Initiative
- Frank Church River of No Return Management Plan
- Interim Columbia River Basin Ecosystem Management Project
- Endangered Species Act listings;
 - Sockeye salmon, Chinook salmon, Bull trout, Steelhead trout
- Possible Listings;
 - West Slope Cutthroat, Lynx
- Introduction of wolves and possible introduction of grizzly bears

We propose the following in a truly collaborative process identify and protect all historic and current uses:

Allow local Federal Land Managers and local Governments to identify critical areas to protect valuable resources and determine whether roads are necessary to build or maintain in order to "care for the land and serve the people." Restricting 82% of the Forestlands in our counties from Forest Product Industry or Recreation Accessibility will force a concentration of people onto the roaded portion and on private land increasing the potential for water and air pollution.

The citizens of western states and local jurisdictions such as Butte, Custer and Lemhi Counties have a direct interest in the management of public lands. The effects of the proposed strategies on federal lands will have dramatic direct and indirect effects on nonfederal lands and private citizens. Those effects include the loss of taxes from payments in lieu of taxes and stumpage fees that contribute significantly to funding of public schools and roads. Road access restrictions will impact access to adjoining private tracts, reduce recreation, and impact all permitted activities on federal lands. Further, these actions will contribute to air and water quality degradation and impact other uses that are important to state and local entities.

¹ Roadless Comments

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Thank you for considering our comments.

for Ed M. Peck
Lin F. Hintze, Chairman
Custer County Commissioners

cc: Idaho Congressional delegation (Senator's Craig and Crapo, Representative's Simpson and Chenoweth-Haige)
Governor Dirk Kempthorne
Idaho Association of Counties
National Association of Counties



OFFICE OF THE COUNTY COMMISSIONERS
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

Thomas C. Chaffin, Chairman
Patti Burke
Michael W. England

Phone: 208-756-2815

Fax: 208-756-8424

July 17, 2000

CAET RECEIVED

JUL 17 2000

USDA Forest Service-CEAT
Attention: Roadless
P.O. Box 221090
Salt Lake City, Utah 84122

To: Whom It May Concern
Subject: Roadless Areas

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Roadless Area Conservation

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Thomas C. Chaffin

Thomas C. Chaffin, Chairman
Lemhi County Commissioners

cc: Idaho Congressional delegation (Senator's Craig and Crapo, Representative's Simpson and Chenoweth-Haige)

Governor Dirk Kempthorne
Idaho Association of Counties
National Association of Counties

LEMHI COUNTY
ADVISORY BALLOT
MAY 23, 2000

C
- 1-1
88⁵

Precinct _____ Prepared by: _____

Total ~~XXXXXX~~ Ballots _____ Prepared by: _____

~~XXXXXX~~ CANDIDATE POSITION

	SC	DEPT	Brooklyn	CHENOWETH	NOBLE	C. PETERSON	W. M. D. HILL	W. J. CRAPPO	W. J. SIMPSON	FT. LEMHI	YARVIS NIKK	JUNE HARRIS	TOTAL
YES I support proposed Fed. policies advocating more road closures	34	8	56	10	6	7	4	11	2	5	0	2	150
NO I do not support proposed federal policies advocating more road closures	46	16	490	145	62	49	16	69	42	111	55	47	1808
YES I favor prohibiting road construction or reconstruction in inventoried roadless areas	95	22	117	22	14	13	9	24	8	14	4	7	365
NO I do not favor prohibiting road construction or reconstruction in inventoried roadless areas	95	15	412	13	50	39	9	56	36	102	50	41	1555

By *Serri J. Norton*, Clerk

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MAY 30 2000

candidate received _____ total votes.

candidate received _____ total votes.

1 Roadless Comments



MADISON COUNTY

P.O. BOX 389
REXBURG, IDAHO
83440

CAET RECEIVED

JUN 23 2000

June 27, 2000

Roadless Area Proposed Rule
Box 221090
Salt Lake City, Utah 84122

Re: Roadless Proposal

Gentlemen:

The Madison County Commission believes that each *Yes* vote should be entered in your record as a response in favor (460 votes) of this proposal and every *No* vote be recorded as a response not in favor (3,697 votes) of the roadless proposal.

We believe that the residents of Madison County are well informed on this issue and have consistently supported multiple use and access to our forests. The election process is the only true democratic procedure for gathering comment on these kinds of issues that affect both the personal lives of our constituents as well as the economic affect that this proposal will have on the residents at large. Please let us know if you are not going to record these comments in this manner!

We look forward to working with the Forest Service and representing the residents of Madison County.

Sincerely,

Reed B. Sommer, Chairman

Gerald L. Jeppesen

Brooke Passey

Attachments
Election Night Abstract
Official Madison County Ballot

13562

14:55:23 VT98013
ELECTION NIGHT ABSTRACT

MADISON COUNTY

Page 2 13562

Number of Entities Reporting: 14

Office	Party	Candidate Name	Votes Cast
PCT COMMITTEEMAN/DELEGATE REXBURG 9TH	DEM	HUBSCHER, ART	37
PCT COMMITTEEMAN/DELEGATE REXBURG 9TH	REP	SUTHERLAND, CARMA	316
PCT COMMITTEEMAN/DELEGATE REXBURG 11TH	DEM	TERRY, LEE	60
PCT COMMITTEEMAN/DELEGATE REXBURG 12TH	DEM	WILLIS, DEBRA C.	19
PCT COMMITTEEMAN/DELEGATE UNION-LYMAN PRECIN	DEM	COATES, BLAIR	25
PCT COMMITTEEMAN/DELEGATE UNION-LYMAN PRECIN	REP	CLEMENTS, MIKE G.	286
PCT COMMITTEEMAN/DELEGATE ARCHER PRECINCT	DEM	BECK, EARL	30

JUDICIAL

SUPREME COURT JUSTICE-TO SUCCEED CATHY SILAK	NON	EISMANN, DAN	3,477
SUPREME COURT JUSTICE-TO SUCCEED CATHY SILAK	NON	SILAK, CATHY	699
APPEALS COURT JUDGE TO SUCCEED-DARREL R. PERRY	NON	PERRY, DARREL R.	3,452

MISC ISSUES

TARGHEE FOREST ADVISORY ON ROADS	YES, SUPPORT	460
TARGHEE FOREST ADVISORY ON ROADS	NO, DO NOT SUPPORT	3,697
PLANT FACILITIES RESERVE FUND SCHOOL DIST #321	YES, PLANT FACILITIES FUND	2,109
PLANT FACILITIES RESERVE FUND SCHOOL DIST #321	NO, PLANT FACILITIES FUND	1,246

*****END OF REPORT*****

OFFICIAL REPUBLICAN PRIMARY ELECTION BALLOT

13562

87/17/2000 16:24 2084657724

FRED KELLY GRANT LTD

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A	MADISON COUNTY	B	STATE OF IDAHO	C	MAY 23, 2000
	<p>INSTRUCTIONS TO VOTERS DO NOT VOTE FOR CANDIDATES OF MORE THAN ONE PARTY. IDAHO LAW PERMITS YOU TO VOTE FOR CANDIDATES OF ONLY ONE POLITICAL PARTY IN A PRIMARY. IN ADDITION TO VOTING THE PARTY BALLOT OF YOUR CHOICE ALL VOTERS MAY VOTE THE NON PARTISAN JUDICIAL NOMINATING ELECTION BALLOT. Use Marking Instrument Provided. To VOTE, blacken the oval (●) next to the candidate of your choice. To vote a "Write-in" blacken the oval next to the blank line and WRITE THE NAME of your CHOICE ON THE BLANK LINE.</p>		<p>LEGISLATIVE DISTRICT OFFICES CONTINUED LEGISLATIVE DISTRICT #27 FOR STATE REPRESENTATIVE POSITION B (Vote for One)</p> <p><input type="radio"/> Gerald "Jerry" Jeppesen</p> <p><input type="radio"/> Dell Raybould</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>NONPARTISAN OFFICIAL JUDICIAL NOMINATING ELECTION BALLOT</p>
	<p>CANDIDATES FOR UNITED STATES OFFICES FOR PRESIDENT (Vote for One)</p> <p><input type="radio"/> Alan Keyes</p> <p><input type="radio"/> George W. Bush</p> <p><input type="radio"/> NONE OF THE NAMES SHOWN (UNCOMMITTED)</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>CANDIDATES FOR COUNTY OFFICES FOR COUNTY COMMISSIONER FIRST DISTRICT (Vote for One)</p> <p><input type="radio"/> Edward E. Hill</p> <p><input type="radio"/> Roger Muir</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>JUSTICE OF THE SUPREME COURT TO SUCCEED JUSTICE CATHY SILAK (Vote for One)</p> <p><input type="radio"/> Cathy Silak</p> <p><input type="radio"/> Dan Elsmann</p>
	<p>FOR REPRESENTATIVE IN CONGRESS SECOND DISTRICT (Vote for One)</p> <p><input type="radio"/> Mike Simpson</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>FOR COUNTY COMMISSIONER THIRD DISTRICT (Vote for One)</p> <p><input type="radio"/> Brooke H. Passey</p> <p><input type="radio"/> Robert H. Hansen</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>JUDGE OF THE COURT OF APPEALS TO SUCCEED JUDGE DARREL R. PERRY (Vote for One)</p> <p><input type="radio"/> Darrel R. Perry</p>
	<p>CANDIDATES FOR LEGISLATIVE DISTRICT OFFICES LEGISLATIVE DISTRICT #27 FOR STATE SENATOR (Vote for One)</p> <p><input type="radio"/> Robert R. Lee</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>FOR COUNTY SHERIFF (Vote for One)</p> <p><input type="radio"/> Greg Moffat</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>VOTE FOR ONE STATEMENT ONLY</p> <p><input type="radio"/> YES I support proposed Federal policies advocating more road closures and 40 to 60 million more acres of roadless lands nationwide, with approximately 841,000 acres of a total of 1.8 million acres in the Targhee Forest.</p> <p><input type="radio"/> NO I do not support proposed Federal policies advocating more road closures and 40 to 60 million more acres of roadless lands nationwide, with approximately 841,000 acres of a total of 1.8 million acres in the Targhee Forest.</p>
	<p>LEGISLATIVE DISTRICT #27 FOR STATE REPRESENTATIVE POSITION A (Vote for One)</p> <p><input type="radio"/> Todd M. Hammond</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>FOR PROSECUTING ATTORNEY (Vote for One)</p> <p><input type="radio"/> Sid D. Brown</p> <p><input type="radio"/> _____ (WRITE IN)</p>		<p>Plant Facilities Reserve Fund Levy School District #321 Shall the Board of Trustees of School District #321, be authorized to extend the existing plant facility levy an additional five years (for a total of ten years) and increase the amount the levy collects by a sum of \$250,000 each year (for a total levy amount of \$392,000 each year), to be placed in the School Plant Facility Reserve Fund for the District, to be invested at interest until needed, and to be used as authorized in Idaho Code Sections 33-901 and 33-1102 including the</p>
			<p>CANDIDATES FOR PRECINCT OFFICES FOR PRECINCT COMMITTEEMAN AND VOTERS' DELEGATE TO THE PARTY'S COUNTY AND DISTRICT</p>		

OWYHEE COUNTY NATURAL RESOURCES COMMITTEE

P.O. Box 128
Murphy, Idaho 83650

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D 1 2

USDA FOREST SERVICE-CART
POST OFFICE BOX 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Re: Comment on Special Areas: Roadless Area Conservation DEIS as published in Federal Register (36 CFR Part 294, RIN: 0596-AB77)

I. The Proposed Rule attempts to circumvent the authority of Congress to manage the federal lands.

Article IV, Section 3 of the United States Constitution authorizes only the Congress to manage the federal lands by requiring that the Congress "shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." In the exercise of this authority, the Congress has authorized management agencies such as the Forest Service and the Bureau of Land Management to issue rules implementing the management authority expressed by Congress in statutes. But, as recently pointed out in *Food and Drug Administration v. Brown and Williamson Tobacco Corporation*, (Opinion by United States Supreme Court entered on March 21, 2000): "Regardless of how serious the problem an administrative agency seeks to address, however, it may not exercise its authority "in a manner that is inconsistent with the administrative structure that Congress enacted into law."

The Preferred Alternative, and in fact all alternatives except the so-called "No-Action" alternative, is inconsistent with the administrative structure which the Congress has set up for the federal lands, and in particular, the federal forest lands. In the Organic Act and in the National Forest Management Act, the Congress has mandated the multiple uses for the forests. In fact, the Congress has consistently maintained the management rule for the forests that the lands should be managed for "multiple-use and sustained yield of renewable resources without impairment of the productivity of the land."

The close down which will result from this Rule violates the Congressional mandates in at least five ways:

(1) Congress has never authorized a close-down of roads into the forest areas. On the contrary, Congress has continued to appropriate money for roads, and has continued to authorize logging which can be practically carried out only if roads are

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available. Congress has also mandated that full recreational opportunities be provided to American citizens, and roads are a necessary complement to recreational use.

(2) A close-down of the forests works directly in conflict with continued multiple uses. Grazing, mining, logging, and recreational uses cannot be continued on the 60,000,000 acres covered by the proposed rule. The only "use" which will be facilitated will be nature observance of the "spiritual" quality of the outdoors by those lucky and young enough to hike for miles into the forests which are paid for, owned, and intended by Congress to be enjoyed by, all Americans.

(3) The Congress has mandated that full enjoyment of public services be made available to Americans with Disabilities. Yet, this Rule discriminates against the handicapped who cannot hike miles into the forests to enjoy natural surroundings. The DEIS recognizes this fact, and tries to rationalize the impact by suggesting that people in wheel chairs should not be in the forests. First, not all handicapped are in wheel chairs. A famous golfer has been allowed to use a golf cart because of the adverse impact of long walks, yet he enjoys his proficiency at the sport of golf. The same is true for many, like him, who would enjoy the forests by being able to drive into them. Second, it is not for the Forest Service to decide what restrictions should be placed on the federal lands with regard to handicaps. That can only be done by Congress under its constitutional authority to manage the federal lands.

(4) The Congress has authorized only itself to decide what areas of federal lands should be placed in wilderness status. Yet, this proposed rule will turn 60,000 acres of non-wilderness into wilderness, with the stroke of the executive pen. Such action is inconsistent with the provisions of the Wilderness Act.

(5) The Congress has required that any such rule as this be withheld until there has been appraisal of the adverse impact of the rule on "small entities" such as counties, cities, other taxing districts such as school districts, and small businesses. The Forest Service has made no such initial assessment, and the rule should be withdrawn until and after such full assessment is made and presented to Congress for review.

The proposed rule is just another example of this Administration's attempt to lock the federal lands away from the citizens, all to satisfy the whims of a handful of extremist "non-use" fanatics. To implement this initiative without approval and authorization by Congress constitutes an unconstitutional usurpation of legislative authority.

II. Implementation of the Proposed Rule Violates the Site Specific Management Philosophy Mandated by the Congress

Under the National Forest Management Act, management of the federal forests is accomplished on a site-specific forest level through the development and implementation of specific forest management plans designed to meet the specific needs of the forest.

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Thus, the Modoc Forest in California is managed for the particular terrain and problems faced by local managers, and the Payette, Boise and Sawtooth Forests are managed for their particular terrain and problems by local management agents.

But, this new "one rule fits all" approach is inconsistent with the Congressional mandate of site specific management. It is designed to facilitate the Administration's agenda of by-passing Congress and shutting down the multiple uses of the federal lands. Taken together, as it must be, with the newly proposed Forest Service Planning Rules, and with the various ecosystem management plans ready for implementation, it is simply a final piece in the jigsaw puzzle of land controls which the Administration is putting in place to lock out the American public. The rule is violative of the Congressional mandate for management of the federal forests.

III. The DEIS does not contain an adequate economic analysis of the adverse impact of the proposed Rule on the economics of individuals engaged in the resource industry, on the economics of their communities, and the impact of the economic effect on the overall environment. Thus, the DEIS does not comply with NEPA.

It has been held by many courts that a DEIS is insufficient if it does not include an accurate economic analysis once it is apparent that economic impact will effect the environment. That is certainly the case regarding the proposed rule. When logging is ended, when forest managers are prevented from reaching the interior of the forests for management purposes, when grazing is ended, the fire fuel load of the forests will drastically increase. The wildfires which can result will be devastating to the ecosystem, including the water sources which will be polluted by the peripheral effects of fire.

This DEIS does not adequately explain the economic adversity which will result from the rule which will shut down all resource uses, and explain the environmental adversities which will result from the absence of resource users as managers and protectors of the ecosystem's various elements.

IV. Reduction of recreation opportunities in the federal forests will place an even greater pressure on the federal rangelands, and such result is inconsistent with Owyhee County's Land Use Plan.

When the proposed rule, which will represent the Preferred Alternative, is placed in effect, recreation off-road users will be locked out of the federal forests. The result will be that those users who enjoy recreation in the Boise National Forest above Boise, in particular, will turn to the rangelands of the Owyhee County area, some 40 miles away. The BLM has already engaged in a more restrictive management philosophy regarding recreation use in these rangelands, and the increased pressure will heighten tensions between federal managers and citizens expecting to be afforded the recreational opportunities which Congress has committed to them.

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What we all know is that the BLM has also started an inventory of its rangelands with existence of roads of primary importance. If the BLM follows suit with the Forest Service in an attempt to close down the rangelands, or even if the BLM does not do so, the pressure of increased recreation use of the rangelands will inevitably lead to unlawful use of private property for recreation use. Often it is not possible for a recreation user to distinguish between private and federal property. But, if the federal property is clearly marked "closed", the private property will be turned to. Owyhee County's citizens will often be left to their own recourse to patrol their property because law enforcement services in the county cannot handle the increased load of responsibility which will result from a close down of the forests. The potential for explosiveness is tremendous.

The public is again not adequately advised under NEPA because there is no discussion of this increased pressure on the rangelands and the adverse environmental, economic and social impact which can result. The impact is inconsistent with the Owyhee County Land Use Plan which calls for open recreation use unless there is threat to the environment. By closing down the forest lands, the Forest Service will increase the pressure on the rangelands, and accelerate the BLM to close down rangelands in order to avoid the increased pressure. That is not the type of administrative shut-down which would be consistent with the Owyhee County Land Use Plan which calls for decisions to be made consistent with the recreation opportunity statutes passed by Congress.

V. The DEIS does not sufficiently recognize the existence of private property rights and provide for adequate protection of those rights.

The discussion of "valid existing rights" found at page 3-140 is far from an adequate recognition of the full property rights existing in water, in-holdings, RS 2477s rights of way, and private roads. The Forest Service view of the rights in RS 2477s is not consistent with the Congressional mandate. Without an understanding of the full body of rights held in such rights of way, the DEIS fails to provide adequate protection for them. You simply cannot close down roads in the forests without adversely impacting rights of way. You have not made an adequate survey of which of the roads are RS 2477s, and the DEIS does not contain information sufficient to advise the public of the adverse impact on the property right held in a right of way so that the public can make an informed comment to you about the alternatives.

The same is true of water rights. You cannot close down grazing without adversely impacting the stock water rights of the grazer. That is clear from a long line of decisions rendered by the United States Supreme Court related to forests, grazing of livestock and the ownership of water rights.

You cannot close down access roads without impairing the value and usefulness of in-holdings, and without impairing the ability of the owner to protect his holdings against

the ravages of fire which will follow the absence of active management as clearly as night follows day.

Your DEIS does not adequately discuss the full nature of private property rights existing on the federal lands and in the in-holdings which are isolated within those federal lands. It does not discuss the adverse impact on those rights, and the adverse impact that will have on the environment. So, once again the public is not given the type of discussion of information needed for them to understand the true and accurate environmental impacts of the rule.

VI. There has been insufficient NEPA review because the Forest Service has failed to include sufficient information, and a sufficient array of alternatives, to allow the public to accurately understand the environmental impacts of the Rule.

The DEIS does not present a full array of alternatives. You present the "No-Action" alternative, which is misnamed. The alternative calls for active management by the Forest Service under local forest management plans as mandated by Congress. It does not call for "No-action", it rather calls for continued active management under the direction of Congress.

The only other alternatives you present are restrictive and prohibitive. You could present alternatives recognizing the adverse impact of the roadless policy and modifying the policy somewhat between the complete restriction and the current action plans. NEPA demands such an array of alternatives. If you were really interested in public comment, your would have provided such an array of alternatives.

The DEIS does not state a case for why prohibitions and restrictions are needed. There is no presentation of scientific environmental information which would justify the restrictions and prohibitions. The Forest Service has neither justified the restrictive approach nor provided a range of possibilities for protecting and maintaining the resource without closing down the lands. For example, the Forest Service presents no data for public review which demonstrates that well designed roads would have a greater adverse environmental impact than would leaving the forest susceptible to catastrophic fire and insect damage which cannot be controlled without adequate access by managers. No attempt has been made to explain the environmental trade-offs to the public, so NEPA review has been totally inadequate.

No detailed maps have been made available so that the public can determine exactly what areas are subjected to the "roadless" category which will be especially hard hit by the proposed Rule. Without such maps, the public cannot make the assessment it is entitled to make under NEPA.

No data is provided to adequately support the assertion that the existing planning system as to roads is having a significantly negative affect on the environment to justify

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this massively restrictive initiative. There are no alternatives offered which would provide for maintenance and construction under plans which would minimize any risk, even though it is a mere supposed risk. No data is presented to show the public what the trade-off is for eliminating and closing roads, i.e., no data to show the adversity to the resource which will result from forest managers not being able to gain access to work for forest health which has mandated by Congress.

The DEIS, and the preferred alternative and resulting rule which will be implemented, are all designed to support a pre-determined agenda: close down the federal lands in order to politically placate the non-multiple use fanatics who drive this Administration. This is so apparent as to render the DEIS ineffective because not prepared with good faith objectivity.

VII. The DEIS, and the rule which will result, is and will be invalid because of the activities between the Administration and various environmentalist radical groups which violate the Federal Advisory Committee Act.

At least two pending lawsuits have challenged the roadless policy, and any rule which will result from this DEIS, on the grounds that the Administration violated the provisions of the Federal Advisory Committee Act by consulting with and working with various radical environmentalist groups prior to issuing the policy. The impact of this statutory violation will be to render the action invalid. The DEIS and the preferred alternative should be withdrawn now, and re-developed without violation of FACA, and with complete compliance with the statutory mandates of Congress.

VIII. On the other hand, while the Administration consulted unlawfully with Environmental radicals, the Administration failed to coordinate its planning policy with the Counties and other units of local government effected by the policy and engaged in their own local land use planning efforts.

The National Forest Management Act, and the Federal Land Policy and Management Act, both contain provisions requiring coordination of federal planning actions with local units of government which are engaged in local land use planning activities. As evidenced in a lawsuit filed by Boise and Valley counties in Idaho, there was no such coordination with those counties.

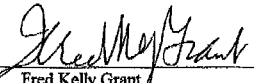
Even though the proposal will result in BLM policies to complement the roadless proposal, and will result in BLM policies related to various species which emanate from the Forest Service policy, the proposal was not coordinated with Owyhee County, and is inconsistent with Owyhee County's land use plan. No effort was made to resolve those inconsistencies with the County, or with the Governor of the State.

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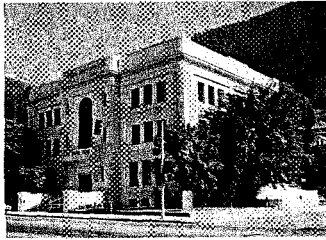
IX. Conclusion

The DEIS should be withdrawn, and all issues related to road maintenance, construction and existence and use should be managed on a local site specific basis.

Submitted in behalf of Owyhee County's Natural Resources Committee at the direction of the Owyhee County Board of Commissioners, this 17th day of July, 2000.

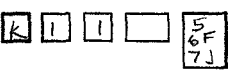

Fred Kelly Grant
Member, Natural Resources Committee

MARCIA WINGFIELD, CLERK DISTRICT COURT
AUDITOR and RECORDER
email: mclerk@co.shoshone.id.us
Office Phone: 752-1264
Fax: 753-2711



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DUP'D 6390

COMMISSIONERS:
JIM VERGOBBI, District 1
SHERRY KRULITZ, District 2
JACK KING, District 3
email: commsec@co.shoshone.id.us
Office Phone: 752-3331
Fax: 753-2711



County of Shoshone
700 BANK STREET, SUITE 120
WALLACE, IDAHO 83873-2348

June 21, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

To whom it may concern:

I am writing this letter in opposition to the Roadless Area Conservation Proposed Rule and Summary of the Draft Environmental Impact Statement (DEIS).

As a member of the Idaho Public Land Committee and National Association of Counties Public Lands Committee, along with being a Shoshone County Commissioner, I have requested a current map of the Idaho Panhandle National Forest in Region 1 that specifically identifies the uninventoried unroaded areas within the National Forest boundaries. We request an extension to the comment period in an effort to afford us the time to review these maps.

Shoshone County comprises 1,690,370 acres. Of that, the Idaho Panhandle National Forest makes up 1,201,901 acres. As you can see, the impact of this proposed rule greatly affects my County.

We have been informed that the agency will save \$565,000 per year from reduced road maintenance costs. This was based on previous expenditures. However, Shoshone County lost approximately \$900,000 last year in timber receipts. Our County is the second largest receiver of timber receipts in the State of Idaho. These funds maintain 450 miles of County roads along with supporting four school districts.

While the monetary value of this proposed rule is severe, the health of these forests is just as critical. The majority of our forests are comprised of pine, larch and fir. All who live here are aware of the blister rust which has affected our pine, and the beetle which has affected our fir.

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JUN 26 2000

6389
USDA Forest Service-CAET
June 21, 2000
Page 2

Having been born and raised here and a resident for 50 years, I have seen numerous photographs of the devastation caused by our 1910 fire. The removal of diseased, dying and dead timber is critical to maintaining a healthy forest.

In closing, I reiterate my strong opposition to the proposed rule.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Sherry Krulitz
Sherry Krulitz, Commissioner

SK/skj

Valley County Board of County Commissioners

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P. O. Box 737 / 219 North Main Street
Cascade, Idaho 83611



TEL 208-382-4297
FAX 208-382-4955

TERRY F. GESTRIN
Chairman of the Board
F. PHILLIP DAVIS
Commissioner

THOMAS W. KERR
Commissioner
LELAND G. HEINRICH
Clerk

Kathy Oelke

Page 2

06/13/00

I appreciate your prompt attention to this request. If you have any questions or comments concerning this request, please feel free to contact me at (208) 382-7100. If you wish to fax documents, my fax number is (208) 382-7107.

Respectfully submitted,

Terry F. Gestrin, Chairman
Valley County Commissioners

June 13, 2000

Kathy Oelke
Freedom of Information Act/Privacy Act Officer
United States Department of Agriculture
Forest Service
14th & Independence SW
P.O. Box 96090
Washington, D.C. 20090-6090

RE: Freedom of Information Act Request

Dear Ms. Oelke:

This is a Freedom of Information Act (FOIA) request seeking certain documents related to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

The DEIS separates currently unroaded areas into a variety of categories. One of those categories is uninventoried unroaded areas. The DEIS does not contain any maps of these uninventoried unroaded areas for the Payette National Forest in Region IV of the Forest Service. I am requesting a current map of the Payette National Forest that specifically identifies the uninventoried unroaded areas within that National Forest's boundaries.

As you are probably aware, the Forest Service has allowed a very brief period of time to comment on the DEIS. Indeed, the Forest Service has indicated that it will deny any request for an extension of the DEIS comment period. Therefore, I respectfully request that you respond to this FOIA request prior to the expiration of the DEIS comment period on July 17, 2000. Please bear in mind that a federal judge reviewing the initial scoping documents for the roadless initiative indicated that accurate maps are an important aspect of the meaningful participation guaranteed by the National Environmental Policy Act.

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Valley County Board of County Commissioners

P. O. Box 737 / 219 North Main Street
Cascade, Idaho 83611



TEL 208-382-4297
FAX 208-382-4955

TERRY F. GESTRIN
Chairman of the Board
F. PHILLIP DAVIS
Commissioner

THOMAS W. KERR
Commissioner
LELAND G. HEINRICH
Clerk

June 22, 2000

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USDA Forest Service – CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

88.1% of our land in Valley County is in federal ownership and the proposed Roadless area rules may affect over half this amount. We have requested (FOIA) additional information and specific maps in order for us to better understand the overall effect.

A project of this magnitude requires additional time for us to review all consequences prior to us being able to provide meaningful comments. It is for this reason that we would respectfully request an extension of 120 days for the comment period to enable us to receive and review the requested maps prior to the submission of our comments.

Respectfully Submitted,

Terry F. Gestrin, Chairman
Valley County Board of Commissioners
Valley County, Idaho

Attachment: FOIA

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JUN 26 2000

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Valley County Board of County Commissioners

P. O. Box 737 / 219 North Main Street
Cascade, Idaho 83611



TEL 208-382-4297
FAX 208-382-4955

TERRY F. GESTRIN
Chairman of the Board
F. PHILLIP DAVIS
Commissioner

THOMAS W. KERR
Commissioner
LELAND G. HEINRICH
Clerk

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JUN 23 2000

USDA Forest Service – CAET
Attention Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Review Team:

Valley County is comprised of 2,354,048 acres of which 88.1% are federal owned forest lands. The majority of these federally owned acres are within the Boise and Payette National Forests.

As a whole, Idaho is without a doubt the most affected state and Valley County will be one of the most affected counties.

We have requested an extension of the comment period in order to have sufficient time to receive the maps of the actual areas involved. We are concerned about the specific areas, because to our knowledge, there have been three different maps that we have seen and can not be sure which one will be used.

We are also concerning about the on-going changes in definitions used for roads. This does not consider public roads and rights of way as defined by R.S. 2477 that were established and accepted by public use and enjoyment before October 21, 1976, and connected to points of societal importance (including points so connected located inside or outside the boundaries of Valley County) whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized/mechanized vehicles of each and every sort, whether currently passable or impassable. It is difficult to follow the process when it is continually a moving target, apparently being done to enhance confusion.

Very little scientific evidence has been used in this whole process. We would hope this process is to improve our current health of the forests, but it has become quite apparent that it has become a political propoganda scheme that is doomed to help only the selected few with no consideration being given to our forest health and those local communities that are totally dependent upon continued multiple use of our forests.

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July 17, 2000

USDA Forest Service - CAET
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

Chief Mike Dombeck:

The Idaho Association of Counties (IAC) is a non-profit service organization representing the state of Idaho's forty-four counties. Under Idaho law, counties are charged with protecting the health and safety of those within their jurisdiction. Because the USDA Forest Service administers such vast areas of our state - in some counties as much as ninety percent of the land - any change in management direction is of great concern to Idaho's counties. The past few years have seen the erosion of the compact between the federal government and local governments envisioned by Gifford Pinchot and the resulting precipitous decline in 25% fund payments to counties for the support of local schools and infrastructure. We have also witnessed the agency's mission and philosophy shift from multiple-use and sustained-yield to a broadly popular but scientifically unsound 'environmentalism'. Our comments must be understood in this context. We do not see this proposal as a stand alone policy, but yet another move away from sound forest management.

Before outlining our specific comments, please not that, in general, IAC objects to the process which gave rise to this proposed rule. For such a sweeping rule to be 'fast-tracked' before all the facts are available to the land managers, much less to the public, is a violation of the spirit, if not the letter, of NEPA. A number of Idaho counties have asked, for instance, for maps of the uninventoried unroaded areas which are to be managed pursuant to procedures set out in the rule. Not only have the maps not been made available, but the Forest Service has neither responded to the counties' request, nor granted an extension of the comment period until the information can be generated and studied.

A full range of alternatives not considered
Even a cursory review of the alternatives in the DEIS reveals that a full range of alternatives was not considered. In fact, there is no substantive difference between Alternatives 2-4 as noted in Table S-1, pages S-18-23. The FEIS should, at a minimum, consider an alternative that permits road construction and maintenance for forest-health purposes, including mechanical treatments and prescribed burns.

Forest health impacts inadequately considered
The risk of wildfire under Alternatives 2, 3 and 4 is not set forth clearly in the DEIS. The loss of watershed resources, wildlife habitat and air quality deterioration which result from catastrophic wildfires is not discussed. This is not consistent with the Forest Service's own science as developed by the Interior Columbia Basin Ecosystem Management Project, for instance, and the GAO's report calling for extensive management to restore forest health.

Coherent strategy not apparent
The overview discusses the changes in roads management and the planning rule as compared to the roadless areas rule. It says that these are "...three separate and distinct F.S. initiatives that together form a coherent strategy

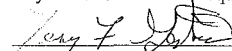
The four alternatives in the DEIS are not based on scientific facts. The no action alternatives (Alternative 1) should represent current management. The alternatives all allocate lands without respect or compliance with existing forest plans, on-going Forest Plan Revisions or the administrative and legal process of forest planning, NEPA or The Regulatory Flexibility Act. This Roadless Conservation Plan circumvents the administrative and legal process only because Clinton and Gore have been unduly influenced by environmental groups and have made political deals to create wilderness areas.

Social and economic impacts have not been given any serious consideration. States and counties have been denied all requests to be granted the designation of a Cooperating Agency Status. Without all necessary players at "the table," true and accurate data, consequences, or benefits of this proposed plan will never be given adequate consideration. It appears to us that the old adage, "Don't confuse me with the facts because my mind is made up," certainly rings clear and true.

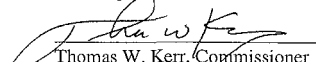
We feel the Forest Service should be stopped from working on or finalizing any other policy proposals until the new Plan Regulations are final. This proposal has stopped all local multiple use activities and no one "on the ground" can make any useful decisions.

The no action alternative is the only acceptable outcome of this process. The decision-making needs to be returned to the local level with consideration given to local issues. Local historical, social and economic issues need to be considered. We are restricting access to our forests. We are failing to address forest health, and we certainly are not considering the social and economic impacts now under consideration that would be imposed on local communities, local counties, and most of all, on local individual people who by your definition have been deemed second class citizens.

In conclusion, we can only state that the many different impacts that would be a result of this proposed Roadless Plan, have not been given proper consideration. Furthermore, with the vast area and millions of acres involved, there is no way that this has been adequately analyzed in the amount of time that has been allowed.


Terry F. Gestrin, Chairman


F. Phillip Davis, Commissioner


Thomas W. Kerr, Commissioner

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for dealing with vital conservation issues." However, page S-45 states, "As these public rulemakings proceed, the agency may choose to integrate and clarify certain provisions within each rule to insure consistency, clarity and effectiveness." The time to make such badly needed clarifications and adjustments is when drafting the DEIS. The public must have the opportunity to see what the proposal is and how it will work. This lack of integration and disclosure of cumulative impacts is unacceptable.

Analysis of economic impacts on local communities inadequate
The cost benefit analysis the agency discusses on page A-17 says that "Local level analysis cannot easily incorporate the economic effects associated with nationally significant issues." This is not acceptable. The Forest Service has an obligation to disclose the effects of this proposal on Idaho's communities. It may not be done 'easily' but it must be done.

Consultation and coordination is misstated
The agency states, on page S-47, that, "The Forest Service also consulted with states, tribes and local governments." There was no such consultation with Idaho's counties except for invitations to public meetings. While some of the national forests in Idaho offered a separate 'government to government' sessions to offer information and to take comments - which we applaud - this is not the same as consultation. Idaho's counties were not consulted in the development of this initiative.

Change of definition of roadless area is unsound
The original RARE II inventoried roadless areas were based on a minimum of 5,000 contiguous acres. The lack of specificity under the new definition will open the door to further litigation and unnecessary confusion.

Forest planning process is circumvented
There is already a forest planning process in place that weighs the values of roadless areas as a matter of course. Forest managers should be empowered to follow these processes to manage the forests under their care rather than top-down one-size-fits-all policy directives out of Washington, D.C. This policy is unnecessary.

Conclusion
IAC respectfully requests that the Forest Service withdraw the Roadless Areas DEIS until the deficiencies enumerated herein are corrected.

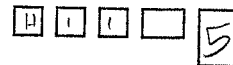
Sincerely,

Daniel G. Chadwick
Executive Director



CITY OF BONNERS FERRY

OFFICE OF THE MAYOR
P. O. BOX 149
BONNERS FERRY, IDAHO — 83805



JUNE 22, 2000

CITY OF BONNERS FERRY FIRE HALL ROADLESS AREA PROPOSAL COMMENTS

1. THE NEW ROADLESS PROPOSAL, IF ALLOWED TO PROCEED, WILL HAVE A SEVERE DETRIMENTAL EFFECT ON OUR COMMUNITY.
2. OUR AREA ALREADY HAS MORE THAN ITS SHARE OF INVENTORIED ROADLESS AREAS.
3. THIS NEW PROPOSAL IS BASED ON THE PREMISE THAT IT WILL "---- PROVIDE LONG-TERM PROECTION FOR ROADLESS AREAS." THIS IS PRESIDENT CLINTON'S STATEMENT ON OCT.13, 1999. ANYONE FAMILIAR WITH THE FORESTS, AS OUR LOCAL RESIDENTS ARE, KNOWS THAT ROADLESS IS NOT THE ANSWER TO FOREST PROTECTION. WISE AND SENSIBLE USE AFFORDS MUCH MORE PROTECTION TO THE FORESTS THAN DOES LESS ACCESS.
4. LESS ACCESS MEANS MORE INSECT, DISEASE AND FIRE PROBLEMS.
5. LESS ACCESS MEANS FEWER PEOPLE CAN ENJOY OUR FORESTS.
6. THE HANDICAPPED AND THE POOR WILL BE ALL BUT LOCKED OUT OF THESE AREAS.
7. PRIVATE LANDOWNERS HAVE LESS CHANCE TO ACCESS AND USE THEIR OWN PROPERTY.
8. THE PROPOSAL STATES THAT THE FOREST PLANNING PROCESS WILL MAKE THE EVALUATIONS ON THE ROADLESS AREAS. HISTORY TELLS US THAT THE PLANNING PROCESS HAS HAD THE OPPOSITE EFFECT. THE FOREST SERVICE IS UNDER PRESSURE FROM THE PRESERVATION GROUPS TO STOP ALL DEVELOPMENT ACTIVITIES IN THE ROADLESS AREAS.
9. THE LOCAL FOREST HAS NEVER MET EVEN THE MINIMUM TARGETS SENT BY THE PLANNING PROCESS FOR USE OF THE FORESTS.

Respectfully Submitted
Darrell Kerby
Darrell Kerby
Mayor
City of Bonners Ferry, Idaho

CAET RECEIVED
JUN 30 2000

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1 MR. DONNER: Yes. My name is Doug Donner.

2 I'm mayor pro tem for the City of Orofino representing

3 the City of Orofino and mayor and council people.

4 (We opt for the no action alternative. The

5 forest service has not considered the impact on the

6 small towns in the DEIS. The U.S. Forest Service

7 should be completing the plan approved by Congress

8 right now rather than the Clinton-Gore initiative.)

9 (Access to our national forest is being cut

10 off with this plan. We expect the forests to be

11 healthy and cared for, full of fish and wildlife. We

12 expect fire fighters to have the ability to contain

13 wildfires and protect our lives and communities.)

14 (We need access to our private lands which

15 are surrounded by national forests.) And,

16 unfortunately, this proposal to lock up forty to sixty

17 million acres of national forest would not have the

18 identified unroaded areas for public review.

19 (This would, in turn, doom these lands to a

20 cycle of overcrowded stands, followed by disease and

21 insect infestation. And wildfire would bake the

22 ground so nothing else would grow for years.)

23 We just stand opposed to -- no action to

24 this new alternative.

25 Thank you.

SOCC 90010 9-7

PURPN 10210 9-7

EFFAN 71130 9-7

ENNR 84000 9-7

Name: DOUG DONNER — MAYOR PRO TEM
 Address: P.O. BOX 663 CITY OF OROFINO
 City, State, Zip Code: OROFINO IDAHO 83544

H-1-5- -5 10078

Dear Forest Service, WE OPT. FOR THE "NO ACTION" ALTERNATIVE.

THE FOREST SERVICE HAS NOT CONSIDERED THE IMPACTED ON THE SMALL TOWNS. THE US. FOREST SERVICE SHOULD BE COMPLETING THE PLAN APPROVED BY CONGRESS. RATHER THAN THE CLINTON/GORE INITIATIVE.

DONT LOCK THE PUBLIC OUT OF PUBLIC LANDS!

Doug Donner

CAET RECEIVED JUN 26 2000

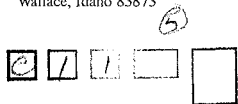
Fold in half and mail, with address to "USDA Forest Service — CAET" on outside. Comments must be received by July 17, 2000.

CLEARWATER REPORTING DBH SQTB 800-247-2748 - LEWISTON IDAHO 83501



SCHOOL DISTRICT NO. 393

401 River Street
Wallace, Idaho 83873



19314

Office of Superintendent
Phone: (208) 753-4515.
Fax: (208) 753-4151
e-mail: dist393@sd393.k12.id.us

July 10, 2000

USDA Forest Service—CAET
Post Office Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JUL 12 2000

Dear Secretary of Agriculture:

As Superintendent of the Wallace School District 393, I desire to be heard in the discussion about the Roadless proposal. There are several secondary and tertiary areas deleteriously impacted from such a proposal. Beyond the forest and timber industry, schools, cities, towns and rural people are all impacted by such a proposal.

There are several school districts in the forest areas of north Idaho and elsewhere in the state and nation. Our school district is comprised of 85% national owned forest land, which generates about \$175,000.00 annually in forest funds for the school district. These funds are used to maintain our facilities and grounds. Even though the forest funds are not adequate to cover all of the district maintenance needs, it is most helpful.

Should the Roadless proposal be enacted, we can expect a decrease in timber generated revenue for the local economy, county and school systems. Loss of access to the forest for the timber industry means increased unemployment in a valley that is presently the highest in Idaho (+20%). Additionally, families looking for alternative employment leave the community and take their children with them. Market value of houses decrease and the tax base is eroded so locally generated revenue for schools is impacted.

Presently, the community overwhelmingly supports additional self taxation for school revenue through supplemental levies. These annual levies amount to about 1/5 of the total revenue for the school district. Should families move away as they are looking for work, they take the YES vote with them and the hope of passing supplemental levies.

As the chain of events continue; loss of revenues, loss of jobs, loss of families, loss of students, etc., the secondary and tertiary impact of one Roadless proposal becomes one of Townless, studentless, schoolless, and hopeless. Please reconsider any Roadless plan as it will destroy rural, small school America as we know it today.

Professionally,
Reid Straabe, Superintendent



Illinois Department of Natural Resources

<http://dnr.state.il.us>

524 South Second Street • Springfield, Illinois 62701-1787

George H. Ryan, Governor • Brent Manning, Director

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July 17, 2000

Michael Dombeck, Chief
USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Chief Dombeck:

This is in response to your solicitation for comments for the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (1950-3) dated May 11, 2000. The Illinois Department of Natural Resources (IDNR) has carefully reviewed the proposal and the proposed alternatives. Clearly, these documents are a product of intense planning and extensive public input. The Draft Environmental Impact Statement (DEIS) arranged the alternatives into three groups. Our comments will only address those alternatives for "Prohibition" and "Procedure" and, for obvious reasons, will not address those alternatives unique to the Tongass National Forest.

Prohibition Alternatives: The DEIS describes the four prohibition alternatives which refer to activities that would not be allowed in the unroaded portions of inventoried roadless areas. We support the proposed action and preferred alternative, Alternative 2, primarily because it allows Forests to retain flexibility and authority to carry out management practices for the purpose of cost-effectively accomplishing legitimate wildlife habitat/ecological restoration work. At the same time, this alternative would allow decisions for commercial harvests to remain at the local level. Maintaining the option to conduct commodity-based timber harvests allows some flexibility to incorporate changes that may occur in techniques, research findings, or local economy.

Procedure Alternatives: The DEIS describes the four procedural alternatives which outline how local resource managers should address roadless characteristics. We support the proposed action and preferred alternative, Alternative B, which requires the roadless evaluation to be determined during the forest planning process. We recognize National Forest System lands in Illinois as valuable resources to the people of this state. For that reason, IDNR worked in close collaboration with the Shawnee National Forest (SNF) to develop the existing Land and Resource Management Plan (Forest Plan). We are now working closely with the SNF on a Forest Plan Revision and with the Midewin National Tallgrass Prairie to develop their first Forest Plan. As an agency, we are very familiar with the planning process and are recognized by the Forest Service under a formal agreement as having unique status as a participant in the planning process because of our legal responsibility and expertise in managing and regulating the state's fish and wildlife resources. IDNR has established an internal task force to provide review and

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recommendations to the Forest Service throughout the revision process. Within this framework, we believe Alternative B would allow for the most comprehensive evaluation of roadless characteristics. Because both the Shawnee National Forest and the Midewin National Grassland are currently in the process of either developing or revising their Forest Plans, consideration of roadless characteristics will be timely for Illinois if this alternative is chosen.

Among the provisions of this proposal that IDNR supports is the retention of legal rights of access to lands within inventoried roadless areas. The people of Illinois should continue to have access that is granted by statute, treaty, or reserved or outstanding rights. IDNR itself is titleholder to property located within the boundaries of an inventoried roadless area. We have a legitimate and vital interest in retaining motorized access to this property for resource management purposes.

Recreational access to public lands has become increasingly important to Illinoisans. The provisions of this policy will provide for quality dispersed recreational access. Public demand for recreational uses in Illinois is increasing, and providing for opportunities for this type of outdoor recreation is an important component of IDNR's Mission and Strategic Plan.

We essentially agree with your analysis of the environmental effects of roads on forest and watershed health, particularly roads that are not maintained. By your own admission, current funding only provides for maintenance of 20 % of existing Forest roads. We are encouraged that efforts are being made to address this problem and expect to see local improvements in water quality, soils, and habitat in Illinois if this action is taken.

We have conducted a comprehensive review of the proposal and believe that it appropriately responds to the budgetary concerns throughout the National Forest System regarding road issues while placing a high priority on protecting natural resources.

The Illinois Department of Natural Resources appreciates the opportunity to comment.

Sincerely,

Kirby Cottrell
Director, Office of Resource Conservation
Illinois Department of Natural Resources

cc: Brent Manning, Director IDNR
Forrest Starkey, Forest Supervisor, SNF

Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials

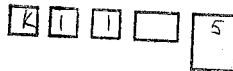
County Office:
118 N. Clark St., Room 567
Chicago, IL 60602
Phone: (312) 603-4210
Fax: (312) 603-3695
E-Mail: cookcommq@aol.com



43728
District Office:
1057 W. Belmont Ave.
Chicago, IL 60657
Phone: (773) 935-1010
Fax: (773) 935-3155

MIKE QUIGLEY
Commissioner – 10th District
Cook County Board of Commissioners

July 17, 2000



Chief Mike Dombeck
USDA Forest Service – CAET
Attn: Roadless
PO Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Dear Chief Dombeck:

As a Commissioner in the most populous county in Illinois, Cook County, home of the City of Chicago, I am writing to comment on the Forest Service's National Forest roadless area Draft Environmental Impact Statement. I commend your efforts to gather broad public input on this important issue.

Access to recreation, in the form of parks or natural areas, and general environmental quality are important to my constituents. Here in Cook County, we are blessed with large public land holdings in the form of our Forest Preserve District. These areas are home to rare plant species and provide quality passive recreation. However, the rumble of traffic can almost always be heard in the background.

Roadless areas in our National Forests provide the same quality passive recreation and harbor rare plants and animals without the constant rumble of traffic. Illinois' only National Forest, the Shawnee, is a 6 hour drive from Cook County. Noise and pollution from vehicles, especially all-terrain vehicles, are the last things one wants to experience when visiting the Shawnee.

I urge you to protect Camp Hutchins, Burke Branch, and Ripple Hollow in the Shawnee National Forest and push for a final policy that provides immediate and full protection for all National Forest roadless areas without exemptions. We applaud your efforts to protect America's roadless lands for people in Cook County and for all Americans.

Sincerely,



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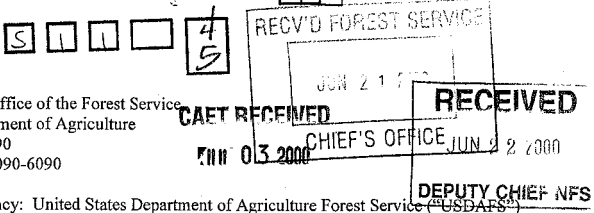


Indiana Department of Natural Resources

13528
Frank O'Bannon, Governor
Larry D. Macklin, Director

Division of Historic Preservation
and Archaeology
402 W. Washington Street, V274
Indianapolis, IN 46204-2746
PH: 317/232-1646
FAX: 317/232-0693
dhp@dnr.state.in.us

June 15, 2000



Mike Dombeck
Chief, Washington Office of the Forest Service
United States Department of Agriculture
Post Office Box 96090
Washington, DC 20090-6090

Federal Agency: United States Department of Agriculture Forest Service (USDAFS)

Re: Draft environmental impact statement ("EIS") and proposed rule for roadless area conservation

Dear Mr. Dombeck:

Pursuant to the National Historic Preservation Act (16 U.S.C. § 470 et seq. and 36 C.F.R. Part 800) the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DHPA") has considered draft EIS and proposed rule for the Hoosier National Forest in Indiana, for the USDAFS.

Based upon the documentation available at DHPA, there are historic buildings, structures, districts, objects, or archaeological resources which may be eligible for inclusion in the National Register within the probable area of potential effects. There are several properties identified in the *Perry County Interim Report, Indiana Historic Sites and Structures Inventory* which are within or in close proximity to the area denoted as an 'Inventoried Roadless Area identified in forest plans or other completed assessments adopted by the agency allocated to a prescription that allows road construction or reconstruction' as stated in the Draft E.I.S. We recognize that the Draft E.I.S. mentions that existing legislation requires Federal agencies to carry out certain responsibilities in order to preserve historic properties. However, we are concerned that the proposed rule may hamper the USDAFS's ability to protect historic buildings and structures.

In particular, we are concerned that the proposal to prohibit road construction will increase the potential for the neglect of a property which causes its deterioration. We recommend that the USDAFS make an effort to identify and evaluate buildings and structures currently in the Indiana IRA, so that it can take into account the effects, if any, on those historic properties. We also recommend that for those historic properties that are identified, existing access be maintained to avoid adversely affecting the historic properties. Enclosed is a copy of the *Perry County Interim Report* for your reference. We believe that the existing Indiana IRA may be within Leopold and Union townships, although the precise boundaries are unclear based upon the maps provided in the draft Draft E.I.S.

We also recommend the USDAFS consult with the Indiana SHPO when future consideration is given to designating additional Indiana IRAs in the course of the Forest Planning Process, then the USDAFS will have the opportunity to take into account the effects on historic resources resulting from future management decisions.

With respect to the archaeological aspects of this analysis, we are not concerned with the potential effects of the rule on known or unknown sites within the probable area of potential effects.

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13528
Mike Dombeck
June 15, 2000
Page 2

If you have any further questions, please contact our office at (317) 232-1646.

Very truly yours,

Larry D. Macklin
State Historic Preservation Officer

LDM:MDF:mdf

Enclosure

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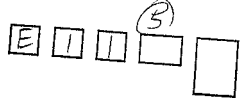
PETE HOEKSTRA
SECOND DISTRICT
MICHIGAN
tellhoek@mail.house.gov
www.house.gov/hoekstra/

106th Congress
Congress of the United States
House of Representatives

COMMITTEES
EDUCATION AND THE WORKFORCE
COMMITTEE
CONSUMER QUALITY AND
INVESTIGATIONS SUBCOMMITTEE
BUDGET COMMITTEE

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122



Dear Project Team Leader

The Second Congressional District of Michigan includes large portions of the Huron-Manistee National Forest System. Over the past several months, many of my constituents have expressed concern about the Roadless Area Conservation Proposed Rule and its potential impact on the Manistee National Forest. During that time, I have encouraged participation in the public meetings and even facilitated an additional meeting in closer proximity to the affected areas in my district. Throughout this time, I have carefully considered the proposal and formulated my opinion on the initiative.

The proposed rule includes 8,000 acres in the Huron-Manistee, for protection that were inventoried as roadless under the Forest Service's Roadless Review and Evaluation (RARE II) process. What the proposal does not include is the nearly 50,000 acres that are unroaded in the Huron-Manistee system and will now be subject to Forest Service scrutiny and possible roadless conditions. This represents a misconception of the potential impact this rule will have on my district.

Applying the same environmental review standard for other potential roadless areas in the Huron-Manistee as would be applied in Utah or Idaho circumvents local forest planning. Such a broad-stroke, one-size-fits-all policy issued from Washington, DC, does little to take into account the different ecosystems within each national forest. Local forest supervisors, with extensive public participation, have spent years developing forest management plans to responsibly maintain the forest system. This rule supersedes the years that have been spent carefully developing these plans and takes away the decision-making authority of local forest supervisors. Any future local Forest Service planning will be restrained by these regulations and, furthermore, be delayed or appealed based on the roadless regulations.

I recommend shifting the focus of this initiative into revisions to the local Forest Service plans and returning decision-making to the local forest supervisor with appropriate public involvement. Substantial long-term gains for each forest system will be served much better by focusing on the local forest plans and developing the necessary data for future roadless decisions.

Another aspect of the roadless initiative is the implication involved in restricting access on 54 million acres of public land. The roadless initiative will dramatically reduce public access to the national forest

system and will make much of the forest inaccessible for timber harvest. Timber harvest done responsibly is an effective forest management tool. Shutting out thousands of acres from active management practices will result in uncontrollable wildfires and declining forest health. The Huron-Manistee system over the last several years has decreased timber sales dramatically. I believe this rule will severely curtail future timber sales within the Huron-Manistee National Forest. This not only effects the economic livelihood of many of my constituents, but will also jeopardize the long-term, sustainable health of the forest system.

The No Action Alternative is the preferred alternative for the Roadless Area Conservation Proposed Rule.

Sincerely,

Pete Hoekstra
Member of Congress

cc: Michael Dombeck, Chief, U.S. Forest Service



Washington Office
1124 Longfellow Road
Washington, DC 20515
(202) 225-4411
FAX: (202) 226-0779

District Office - Holland
31 East 6th St., Suite 209
Holland, Mich 49423
(616) 395-0030
FAX: (616) 395-0271

District Office - Muskegon
300 3rd Street, Suite 203
Muskegon, Mich 49440
(616) 722-4336
FAX: (616) 722-0176

District Office - Cadillac
210-12 North Market St.
Cadillac, Mich 49601
(616) 775-0050
FAX: (616) 775-0298



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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

LYNN N. RIVERS
11TH DISTRICT, MICHIGAN

1724 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-6261

301 W. MICHIGAN AVENUE
SUITE 400
YPSILANTI, MI 48197
(734) 485-3741



UNITED STATES
HOUSE OF REPRESENTATIVES

April 4, 2000

Mr. Michael Dombeck
Chief of Staff
US Forest Service
PO Box 96090
Washington, D.C. 20090

E 1 2 5 yes

Dear Chief Dombeck:

I am writing to urge you to adopt a strong policy to protect roadless areas in our national forests.

My constituents place a high premium on these wild areas. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out every year.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Michigan is fortunate to have some of this nation's most impressive national forests. The Huron-Mannistee National Forest, the Ottawa National Forest, and the Hiawatha National Forest contain many pristine areas currently threatened by commercial development. Protecting these remaining roadless areas for future generations is important to the future economic and environmental well-being of Michigan.

Roadless areas provide unique habitat for many wildlife species of great recreational, commercial, and cultural value. Deer, fox, snowshoe hare, bald eagles, bear, coyotes, loons, and songbirds are just some of the incredible variety of wildlife that reside in Michigan's national forests. Our remaining pristine wildlands provide a unique and ever diminishing refuge for animals and humans alike. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. Protecting these areas will lead to more public wealth than using them for extractive purposes.

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JUN 16 2000

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Initial: KH

Control No: 4151248

Roadless
COMMITTEE ON THE BUDGET
COMMITTEE ON SCIENCE

5396

5396

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all of the national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

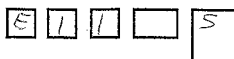
Sincerely,

Lynn N. Rivers
Lynn N. Rivers

LNR\mh

2814

BART STUPAK
1ST DISTRICT, MICHIGAN
2348 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 725-4735
FAX: (202) 225-4744
EMAIL ADDRESS: stupak@mail.house.gov



2814

Congress of the United States

House of Representatives
Washington, DC 20515-2201

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towns viable.

When the Forest Service misinterprets the composition, goals, and concerns of people in the timber industry, it mars the entire development of the roadless initiative. Forestry workers will be greatly impacted by the roadless initiative and it is necessary to understand who holds these positions and how they regard their work

I am dismayed that the Forest Service would include such elitist and divisive comments in its DEIS. Clearly, the DEIS was not carefully reviewed and edited and I think it is appropriate to have such unfair statements removed from the final draft. Moreover, the Forest Service should issue a public apology to avoid undermining an already tenuous relationship between the Forest Service and those most affected by the roadless initiative.

May 11, 2000

Mike Dombeck
Chief
Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250

CAET RECEIVED
JUN 05 2000

Received in FS/CCU
Initial: *RA*
Control No: 4154473

Dear Chief Dombeck:

I am writing to express my displeasure with the tone conveyed in portions of the Roadless Area Conservation Draft Environmental Impact Statement (DEIS). These condescending and ignorant statements are disrespectful. I demand that this text be struck from the final EIS and that a public apology be issued to the forestry workers of this country.

Sincerely,
Bart Stupak
BART STUPAK
Member of Congress

BTS/stw

Specifically, the *Social Effects Related to Timber Harvest* section (page 3-190) displays a patronizing attitude toward forestry workers and the communities where they reside. It states that "if Forest Service timber management policies are consistent and reliable" then forestry workers and their communities would "adjust." It is grossly arrogant to imply that forestry workers would prefer any "reliable" Forest Service policies over their job security. These workers depend on timber harvesting for their economic stability and to remove such jobs would only exacerbate the conditions that plague some of their communities.

The Forest Service carelessly dabbles in "pop" psychology by characterizing forestry workers as uneducated, unstable, and unmotivated. It states that "many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education." Such a poorly referenced statement is particularly offensive. Many forestry workers may have college degrees but are natives of the area who prefer to live and raise their families in their hometowns while working in a profession shared by their parents. If it is true, as described in the text, that "timber dependent communities are among the least prosperous," can the residents of that area be faulted for turning to forestry jobs that pay "high wages?"

The thrust of page 3-190 tries to convince forestry workers, their families, and policymakers that timber related professions should be abandoned because of their inherent risk and lack of job security. It implies that given these conditions, everyone affected by the roadless initiative should naturally agree with Forest Service objectives. We can be certain that all forestry workers are well aware of the dangers associated with their work and are trained to minimize harm. They are aware of the uncertainty of their job security, but steadfastly remain committed to their work and providing for their families. Finally, they are aware of the economic problems facing some of their communities, which only motivates them to try to preserve their jobs and keep their

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- 1229 W. WASHINGTON
MARBLETTE, MI 49855
(506) 229-3700
 - 902 LUDINGTON STREET
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TRAVERSE CITY, MI 49686
(231) 929-4711
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ALPENA, MI 49707
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 - 2 SOUTH 6TH STREET
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18644

Comments of Congressman Bart Stupak, June 1, 2000

First, let me compliment the Ottawa National Forest Supervisor, Phyllis Green, and her team for their decision to not enforce the "closed unless posted open" Non-motorized Zone policy on 61,000 acres under the current Land Management Plan. This policy was part of the 1986 Forest Plan. To now implement this controversial policy after all these years would not make sense. I appreciated the opportunity to candidly discuss and to urge them not to implement this local forest policy. The Ottawa officials listened to my concerns and all the comments received from the citizens that use the Ottawa National Forest - from hunters, hikers and bird watchers, to men and women in the timber industry. I thank them for listening and standing up for our local concerns.

18644

I firmly believe and continue to fight for National Forest policies which reflect the desires, needs and wishes of the local communities which the National Forests serve on a daily basis. It is imperative for all of us to work together to preserve and protect this valuable natural resource for this and future generations. I believe this can only be accomplished by working together and not by restricting access to anyone.

Unfortunately, this cooperation is not occurring throughout the country. A national policy is being pushed without local input and it does not reflect the needs of the local communities which are near the National Forest. We rely on the National Forest for recreation, hunting, and personal enjoyment. We depend on the National Forest to support our economy and sustain the environment.

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The current Draft Environmental Impact Statement (DEIS) on the National Roadless Initiative is an example of how Washington does not know best. While it is an improvement from the original proposal, the DEIS is still flawed. While having the one large tract of land, 7200 acres, become a roadless area makes some sense here on the Hiawatha, the remaining "unroaded areas" remain a mystery. Criteria used to determine which parcels and what "uses" will be allowed remain unclear. When I asked National Forest Service officials in Washington to identify these "unroaded tracts", these officials stated that the local forestry folks have them mapped. While the local forestry staff may know which tracts comprise the "unroaded areas", Washington bureaucrats are not relinquishing sufficient decision-making authority to the local forestry officials.

One cannot review the DEIS without also taking into account the proposed National Road Management Strategy. My position is based not only on what is found in the DEIS, but also on how the DEIS will be impacted by the proposed Road Management Policy, which is being developed under the rule-making authority of the National Forest Service in Washington. The new road policy will define what types of access and "uses" we all will have - to, through, and in our National Forests. This is Washington officials telling us how to access, live in, enjoy, and travel in and through our National Forest. For instance, temporary roads that we currently rely on for harvesting timber will not, for all practical purposes, be allowed under the new Road Policy. If a local Forest Supervisor would like to allow a temporary road for timber harvesting, fire protection or whatever reason, the plan to build such a road would have to be

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accompanied by an Environmental Impact Statement (EIS). The EIS process is cost prohibitive within the local Forest's budget and it would likely be a prime source of litigation to prevent the building of even a temporary road.

The development of this National Road Management Policy in Washington, DC, ignores the needs, wishes and concerns of the local communities. This informational meeting and the DEIS report do not reflect this fact !

In fact, the DEIS reflects the arrogant and condescending attitude of the National Forest Service leadership to our local communities when, on page 3-190, the DEIS refers to the hard working men and women of the timber industry as uneducated, unstable, and unmotivated. While Forest Service Chief Mike Dombeck has apologized for these comments appearing in the DEIS, and promises they will be stricken from the Final, it does

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little to assure us that the bias contained in these erroneous statements is not embedded in the entire document.

Each year in Washington, as we do the appropriations bill for the Forest Service, there is always an amendment to prohibit roads from being built in the National Forests. Each year, through my leadership and efforts, my colleagues and I have been able to defeat these ill-conceived amendments. Now, we see that what could not be achieved through the legislative process, may be accomplished through the "back door" approach of agency rule making. This administrative approach is being driven by Washington officials with little input from local forestry officials as to our local community and National Forest needs.

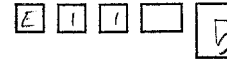
While this informational meeting has been a good way to explain the DEIS, it falls short of explaining to all these good

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Comments on Forest Service Roadless Area DEIS
Bart Stupak, Member of Congress

June 28, 2000

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people here in our communities what will happen when this DEIS is implemented in the context of the new National Road Management Policy.

The DEIS standing alone, improved with local input and locally implemented, could be made workable. But combined with the over-lapping, over-reaching National Road Management Policy, the DEIS is a disaster !

I will continue to fight its implementation with every possible means available to me, as an individual and as a member of the United States Congress.

I want to express my concerns about the Forest Service Roadless Area-Environmental Impact Statement (DEIS) under the Proposed Rules published May 11, 2000.

This is a bold attempt by the Forest Service to establish wilderness areas, and only Congress can establish Wilderness areas.

The DEIS does not clearly establish the purpose and need for more permanent roadless areas in northern Michigan. We do not need more roadless areas in northern Michigan. If National Forests in other regions of the country have environmental problems, then those problems should be addressed, but not with a "one-size-fits-all" policy covering all National Forests. Management decisions for the National Forests in northern Michigan should be made in the local communities they serve, not in Washington D.C.

On March 14, 2000, I testified at the House Resources Subcommittee on Forests and Forest Health hearing, where I questioned Forest Service Chief, Mike Dombeck. I emphasized that it is difficult to understand and comment on the Roadless Initiative, because it does not disclose the locations of the many "other unroaded areas."

On June 9, I met with White House representatives and top Forest Service officials to press for revisions in the roadless and road management proposals. The meeting was positive, with assurances that significant changes in the rule could be expected, especially regarding the use of temporary roads and the requirement for costly environmental analyses under the road management rule.

During an extended debate on the House floor on June 14, I outlined my concerns about the Roadless Initiative and Road Management policy proposals and how these two would work together to effectively halt road construction in our National Forests. Although I was prepared to introduce a limitation Amendment to the Fiscal Year 2001 Interior Appropriations Bill, I was persuaded by other Members, as well as information and advice I received from timber industry associations, that my Amendment would only serve to alienate many on both sides of the aisle who might be able to help us later with a more effective strategy. I am prepared to ask Senate and the conference committee for language which requires the Forest Service to identify and allow time for comment on the "other unroaded areas" before a Roadless Initiative Policy is finalized. Further, to allow that local decision-making on roads, especially temporary roads, be made at the local level.

06/28/00 WED 13:55 FAX 202 225 4744

MARQUETTE

13542 003

BART STUPAK
1ST DISTRICT, MICHIGAN2348 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-4735
FAX: (202) 225-4744

EMAIL ADDRESS: stupak@mail.house.gov

Congress of the United States

House of Representatives

Washington, DC 20515-2201

July 10, 2000

13982 COMMITTEE ON
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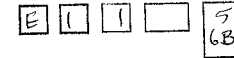
In a separate letter to Chief Dombeck, I expressed my concern about the arrogant attitude displayed in statements on p. 3-190 of the DEIS, and what this reveals about the quality of oversight applied to preparation of the document. These offensive and condescending statements must be purged from the final document.

The DEIS does not adequately discuss how the two new Forest Service policies, the Roadless Initiative and the Road Management Rule, would work together to effectively halt road construction and reconstruction on the National Forests. The way these two policies work together is not adequately explained in the DEIS.

In conclusion, I want reasonable, continued public access to National Forests lands. I cannot support unnecessary restrictions being imposed on the construction of forest roads. These land use decisions should be debated and developed locally with full public participation during the regular forest plan revision process. It would be extremely untimely and unwise for the Forest Service to close any of our roads, and temporary roads must be allowed.

I am currently preparing a set of formal detailed comments on the Draft EIS. I encourage all in this audience to review, prepare and submit final comments on the Roadless Initiative by July 17. I will continue to fight the implementation of these regulations with every means available to me, as an individual and as a member of the United States Congress.

MR MIKE DOMBECK
USDA - FOREST SERVICE
PO BOX 96090
WASHINGTON D.C. 20090-6090



FACT RECEIVED

JUL 17 2000

Dear Mr Dombeck:

I am writing to express my concerns about the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) and Proposed Rules published May 11, 2000.

Communities in the First Congressional District of Michigan, the region I represent in Congress, depend heavily on the Ottawa and Hiawatha National Forests for their economic vitality. Company closures and lost jobs are still common in the Upper Peninsula. I am concerned that the Roadless Initiative would have a negative economic impact on the hardworking constituents in my district.

It is a fundamental principle of federal land ownership that people are allowed onto the public lands unless there is a clear need for restriction. The Roadless Initiative denies full public participation and free access to National Forest lands. I am concerned that the Roadless Initiative would deny continued reasonable public access to public lands.

The Roadless Initiative is an attempt to establish new wilderness areas. Wilderness designation is the role of Congress, not the Forest Service.

I always considered decentralized decision-making a strength of Forest Service management. The Washington Office has traditionally relied on competent line officers in the field who are more in touch with local concerns and resource situations. Unfortunately, these new national policy proposals break that tradition. I would like to see decision-making authority returned to the supervisor of each National Forest, guided by the local Forest Plan.

The Roadless Initiative superimposes a national policy over existing Forest Plans and disturbs the good relations between the National Forests and communities they serve. Major land use decisions should be developed locally with full public participation during the regular Forest Plan revision process. The Roadless Initiative disturbs many of my constituents who were involved in completing Forest Plans in northern Michigan in 1986. It is extremely unwise and untimely for officials in Washington D.C. to arbitrarily break these agreements and unilaterally change land use designations before the scheduled Forest Plan revision process has taken place.

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- 1229 W. WASHINGTON
MARQUETTE, MI 49855
(906) 228-3700
- 902 LUDINGTON STREET
ESCANABA, MI 49829
(906) 786-4504
- 616 SHELLEN
HOWITON, MI 49931
(906) 482-1371
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TRAVERSE CITY, MI 49686
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ALPENA, MI 49707
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Specifically, the DEIS does not establish the purpose and need for more permanent roadless areas in northern Michigan. I do not understand the need for more large roadless areas on the Ottawa and Hiawatha National Forests. Threatened or endangered species are not at risk. Water quality is not impaired. There is no specific purpose for more roadless areas in the Upper Peninsula, except that the Roadless Initiative is part of a national agenda. If National Forests in other regions of the country have environmental problems, then those problems should be addressed, but not with a "one-size-fits-all" policy. It is unreasonable to make such broad decisions at a national scale. Management decisions for the National Forests in northern Michigan should be made in northern Michigan, not in Washington D.C.

The DEIS is not site-specific, because it fails to delineate and disclose the locations of the many "other unroaded areas" included within the scope of the rule. Although new procedures are prescribed to regulate the use of these lands, the description of "other unroaded areas" in the DEIS is too vague for the public to identify, understand and respond to these conditions. I am concerned that the procedural part of the policy proposal would unnecessarily change established uses and activities in these "other unroaded areas." I recommend regulations concerning "other unroaded areas" be dropped from the final rule, or at a minimum, "other unroaded areas" in each National Forest be clearly delineated and resubmitted for public comment before any policy is finalized on the Roadless Initiative.


The DEIS does not acknowledge the importance of temporary roads for sustainable timber management strategies in the East. There is a lack of discussion and consideration of temporary roads in the DEIS. Temporary roads are essential for proper forest management in northern Michigan.

The DEIS does not address the confluence of effects that the two new road policies, the Roadless Initiative and the Road Management proposal, would have on access to the National Forests. It is the combined, cumulative effect of these policy proposals that is of paramount concern to me. The combined effect of these policy proposals would effectively ban road construction and reconstruction on National Forests.

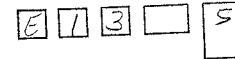
As I expressed in an earlier letter to you, I am very concerned about the arrogant attitude displayed by statements on p. 3-190 of the DEIS. This section also reveals that quality oversight was lacking during preparation of the document. These offensive and condescending statements must be purged from the final document.

Finally, I am requesting that you extend the public comment period 30 days to August 17. The public needs more time to understand the complexity of the proposal. I am also concerned about the delay in getting copies of the DEIS to public libraries in my district. For example, the Portage Lake District Library in Houghton, Michigan, did not receive the documents until May 25. Although the document was available on the Internet, many people in my rural district do not have Internet access.

Sincerely,


BART STUPAK
Member of Congress

BTS/mb



SENATE
STATE OF MICHIGAN

JOHN D. CHERRY, JR.
SENATE MINORITY LEADER

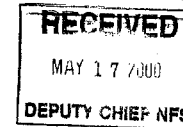
CHIEF'S OFFICE

CAPITOL BUILDING
LANSING, MI 48913

May 10, 2000

NFS
Chief

Mr. Michael Dombeck, Chief
United States Forest Service
P.O. Box 96090
Washington D.C. 20090



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JUN 08 2000

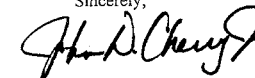
Dear Mr. Dombeck:

I respectfully write to ask for your support in preserving the 32,000 acres of roadless National Forest in Michigan. I understand the Forest Service is currently developing a proposal to address this very issue.

As you are probably aware, Michigan residents and vacationers enjoy a myriad of natural resources our great state has to offer due to longstanding preservation initiatives. Included within these state and federally protected lands are 32,000 acres of wild, roadless forest. These lands promote and support critical plant life, clean drinking water and fish and wildlife havens. With your support, these lands can be protected with a thoughtful, scientifically based policy.

Thank you in advance for your consideration of a proposal to protect roadless forests throughout our nation. If my office can be of assistance, please contact at (517) 373-1636.

Sincerely,


John D. Cherry, Jr.
Senate Minority Leader

JDC:kb

Received in FS/CCU

Initial: KH

Control No: 4153662



PHONE: (517) 373-1636

FAX: (517) 373-1453

E-MAIL: senjcherry@senate.state.mi.us

TDD: (517) 373-0543



K I 7 5

ROAD CLOSINGS

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JUL 17 2001

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JUL 21 11:21 AM



K I I 5

13563
Gogebic County Court House
200 N. Moore St.
Bessemer, Michigan 49911-1052
906-667-0411 FAX: 906-667-1102

JULIANE M. GIACKINO
ADMINISTRATOR
JUDY K. KICHAK
CONFIDENTIAL SECRETARY



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PETER J. NAPEL
STEPHEN R. THOMAS
MICHAEL R. WIEMERI
KEITH A. WINKOWSKI

WHEREAS the United States Forest Service (USFS) is a significant landowner in Alger County and in the Upper Peninsula, and
WHEREAS logging is a significant industry in Alger County, and
WHEREAS the USFS is currently gathering public input on their Proposed Rule for the Roadless Area Conservation plan, and
WHEREAS three of the Alternatives proposed for consideration call for a ban on road construction, and
WHEREAS the USFS requires that roads be built for logging activities, and
WHEREAS road closings in USFS held lands would result in a severe negative impact on logging activity in Alger County, and
WHEREAS said road closings, due to limited access, would also have a negative impact on recreational opportunities as currently enjoyed by tourists and residents alike, and
WHEREAS the proposal further calls for inventory of these roadless areas, and eventual recommendation for designation as wilderness, and
WHEREAS additional wilderness designation for USFS land in Alger County would have very serious economic and/or social impact on Alger County and its citizens
NOW THEREFORE BE IT RESOLVED THAT THE Alger County Board of Commissioners oppose wilderness designation for any additional USFS lands in Alger County, and
BE IT FURTHER RESOLVED that the Alger County Board of Commissioners support, in the Roadless Area planning process, only Alternative A - No Action; No Procedures, and support more areas for handicapped use
BE IT ALSO RESOLVED that a copy of this resolution be forwarded to the appropriate person(s) in the United States Forest Service and to all County Boards of Commissioners to elicit support.

June 28, 2000

USDA Forest Service - CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

CAET RECEIVED
JUN 30 2000

To Whom It May Concern:

The Gogebic County Board would like to go on record as opposing the proposed roadless program in the national forests. The Forest Service has a process to determine, in the individual forests, as to what should be to maintain whatever integrity they feel is necessary to properly manage the national forests. The local personnel have the skill and the expertise to determine what should be done and what should be protected in each specific forest. To move this to the national arena makes very little sense, other than to allow various lobbying groups to be able to put pressure on a national basis, instead of having to follow each forest's plan. By allowing this program to move to the national level basically eliminates the local people from being able to provide input into any forest plan, as many public hearings are held great distances from where the people who are affected live.

In Gogebic County, a large part of the land in the County is controlled by the United States Forest Service. We also have many people who depend on the logging industry to provide their livelihood. If vast areas of the Ottawa National Forest become roadless, this would deny these individuals an opportunity to work. In an economy such as ours this becomes devastating. Our unemployment rate exceeds 7 percent at a time when the general economy is looking at an unemployment rate of 2 percent. We cannot afford to lose even one job. The process the Forest Service uses now to market their timber takes an exceedingly long time, and limits the amount of logging that can be done. By designating areas as roadless, the forest would be virtually inaccessible to the logging industry.

We thank you for your consideration.

Sincerely,
Leo C. Arnestad
Leo C. Arnestad, Chairman
Gogebic County Board of Commissioners

LCA/jkk

A20053

STATE OF MICHIGAN }
Alger County } ss. CERTIFIED COPY OF RECORD
Munising, Michigan }
I, Donald W. Kirnunc, Clerk of the County of Alger, and of the Circuit Court thereof, the same being a Court of Record having a Seal, do hereby certify that the following is a true copy of the above record now remaining in my office, and of the whole thereof, via:
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court the 28th day of June
A.D. 2000
Donald W. Kirnunc County Clerk

13546


Ontonagon County
Board of Commissioners
Courthouse, 725 Greenland Road
Ontonagon, Michigan 49953
Telephone: (906)884-4255
Fax: (906)884-2916

Chairman
Joan V. Antila
Vice Chairman
Louis J. Paulman

June 20, 2000

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JUL 1 6 2000
Commissioners
Joseph S. Moskwa
John E. Pelkola
Hubert J. Lukkart

USDA Forest Service - CAET
Attention: Roadless Areas NOI
P O Box 221090
Salt Lake City, Utah 84122

After attending the informational meetings on the Ottawa National Forest in Ewen, Michigan on December 13, 1999 and May 31, 2000 we are responding to the Notice of Intent (NOI) published in the Federal Register on October 19, 1999. We endorse the "no action" Alternative A (making no change in current policy and withdraw the rule!) The issues before the Forest Service are too great for the public not to have time to digest and consider the impacts of the alternatives the Forest Service has presented.

The Roadless Initiative EIS and proposed rule is not a stand-alone document. It's only part of a Clinton/Gore natural resource agenda that is designed to keep the public off the public land. The other parts of this are the revised Transportation Plan and the revised Forest Planning rules. The Transportation Plan is designed to close 80% of the roads in our national forests. The revised Forest Planning rules place restoring the ecosystems to a pre-Columbian condition as the primary goal for how all national forests will be managed. This means no human use allowed!

We believe that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process at the local level. A rule-making process that could affect all roadless areas through one national decision cannot address the unique forest conditions that we in the local area are aware of. We are strongly opposed to a unilateral decision to protect all roadless areas, which is the intent of this rule-making. The Roadless Initiative says that planning will occur on the local level. But the new planning rules are rigged to favor ecosystem preservation, special interest group access and top-down meddling.

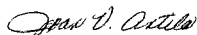
At the Forest Service meeting on December 13, 1999, it was apparent that the local public is opposed to this process and proposal. There were 170 and 150 participants at the two subsequent meetings. Overwhelming opposition was expressed by people commenting. This process is contrary to the Forest Service's emphasis on collaborative decision

13546

making, planning and forest management in general. It is only appropriate to consider changing the status of roadless areas from multiple-use to some type of restricted use, on a case by case basis. This proposal will over turn the current plan. This is unacceptable. Citizens from all over the nation participated in developing this plan at considerable expense. Through this possible decision this plan becomes useless.

As stated before, decisions about roads in all public forests should be made at the local level, under the current legal framework. Managers on the ground, with input from the public, should make decisions about roads, based on the needs of the individual forest and the communities dependent on the forest. Go back to the drawing board and honestly explain to the American public how their access will be affected by these proposals. Our public lands should be open to the public for recreation and resource removal in order to protect forest health and other values as outlined in local plans.

Thank You,



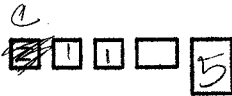
Joan V. Antila, Chairperson
Ontonagon County Board of Commissioners

cc: Senators Carl Levin and Spencer Abraham
Congressman Bart Stupak

Ontonagon County Planning Commission
415 Spar St.
Ontonagon, MI 49953

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USDA Forest Service – CAET
Attention Roadless Areas NOI
PO Box 221090
Salt Lake City, Utah 84122



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JUL 10 2000

After attending the information meeting on the Ottawa National Forest in Ewen, Michigan December 13, 1999 and May 31, 2000 we are responding to the Notice of Intent (NOI) published in the federal Register on October 19, 1999. We endorse the "no action" Alternative A (making no change in current policy and withdraw the rule!). The issues before the Forest Service are too great for the public not to have time to digest and consider the impacts of the alternatives the forest service has presented.


The Roadless Initiative EIS and proposed rule is not a stand-alone document. It's only a part of a Clinton/Gore natural resource agenda that is designed to keep the public off the public land. The other parts of this are the revised Transportation Plan and the revised forest Planning Rules. The Transportation Plan is designed to close 80% of the roads in our national forests. The revised forest Planning rules place restoring ecosystems to a pre-Columbus condition as the primary goal for how all national forests will be managed. This means no human use allowed! These are both totally unacceptable and should be illegal.

We believe that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process, at the local level. A rule making process that could affect all roadless areas through one national decision cannot address the unique forest conditions that we in the local area are aware of. We are strongly opposed to a unilateral decision to protect all roadless areas, which is the intent of this rule making. The Roadless Initiative says that planning will occur on the local level. But the new planning rules are rigged to favor ecosystem preservation, special interest group access, and top-down meddling.

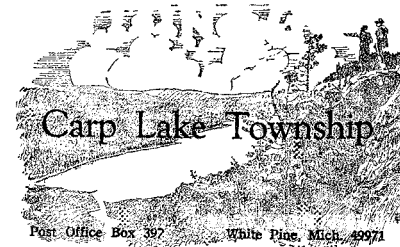
At the Forest Service meeting on Dec. 13, 1999, it was apparent that the local public is opposed to this process and proposal. There were 170 and 150 participants at the two subsequent meetings. Overwhelming opposition was expressed by people commenting. This process is contrary to the Forest Service's emphasis on collaborative decision-making, planning, and forest management in general. It is only appropriate to consider changing the status of roadless areas from multiple-use to some type of restricted use, on a case by case basis. This proposal will over turn the current multiple use plan. This is unacceptable. Citizens from all over the nation participated in developing this plan at considerable expense. Through this possible decision this plan becomes useless.

As stated before, decisions about roads in all public forests should be made at the local level, under the current legal framework. Managers on the ground, with input from the public, should make decisions about roads, based on the needs of the individual forest, and the communities dependent on the forest. Go back to the drawing board and honestly explain to the American public how their access will be affected by these proposals. Our public lands should be open to the public for recreation and resource removal in order to protect forest health and other values as outlined in local plans.

Thank you,

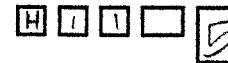

Steve Store
Vice-Chairman

Cc. Carl Levin,
Spencer Abraham
Bart Stupak



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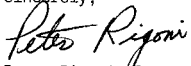
To Whom It May Concern:

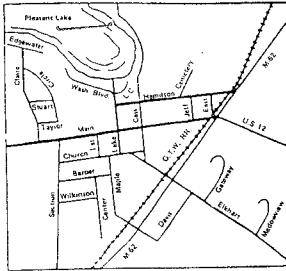
The Carp Lake Township Board strongly opposes the roadless initiative plan as proposed by some people in our federal government.

Our economy would be greatly affected by such a plan. Approximately 70% of the people in our area work in the tourist and logging related industries.

Closing trails and roadways that are now being used by the motorized vehicles would be devastating to our area.

Sincerely,


Peter Rigoni, Supervisor

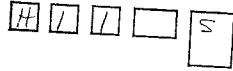


VILLAGE OF EDWARDSBURG

26296 U.S. 12 East
P.O. Drawer Y
Edwardsburg, Michigan 49112-0625
(616)663-8484

Michael Dombeck
Chief
U.S. Forest Service
P.O.Box 96090
Washington, DC 20090

From the office of:



2821

MAY 25 RECD

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Michigan, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Michigan is fortunate to have some of this nation's most impressive national forests. The Huron-Mannistee National Forest, Ottawa National Forest, and Hiawatha National Forest contain many pristine areas currently threatened by commercial development. Protecting these remaining roadless areas for future generations is important to the future economic and environmental well being of Michigan.

Roadless areas provide unique habitat for many wildlife species of great recreational, commercial and cultural value. Deer, fox, snowshoe hare, bald eagles, bear, coyotes, loons, and songbirds are just some of the incredible variety of wildlife that reside in Michigan's national forests. Our remaining pristine wildlands provide a unique and ever diminishing refuge for animals and humans alike. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watershed, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 areas and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Richard A. Cox
Commissioner

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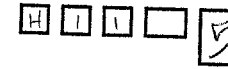


VILLAGE OF ONTONAGON

315 Quartz Street
Ontonagon, Michigan 49953
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Scott Roehm
President

June 27, 2000

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Cliff Guilbault
Harry Kwapis
Karen Polakowski
James Richardson

USDA Forest Service-CAET
Attn: Roadless Areas Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

Re: Special Areas: Roadless Area Conservation Proposed Rulemaking,
65 Fed. Reg. 30276 (May 10, 2000)

Dear Chief Dombeck:

The Village of Ontonagon submits the following comments on the roadless area protection draft environmental impact statement (DEIS) and proposed regulations, published at 65 Fed. Reg. 30276 (May 10, 2000). The Village of Ontonagon has vital interests in national forest management and in the proposed rulemaking. Our community relies on a steady source of timber from national forests, including timber which the current forest plans say will come from some inventoried roadless areas. Many of our citizens own private timberlands that are surrounded by, or adjacent to, national forest lands, and the health of their private forest lands will be in jeopardy if the Forest Service foregoes active forest management of the National Forest System and allows insect and disease epidemics and wildfire to slop over the boundaries onto the nonfederal lands.

We are very concerned that access to our national forests is being cut off. Americans want to recreate and enjoy the natural beauty of our nation's forests. We expect the forests to be healthy and cared for, full of wildlife and fish. We expect firefighters to have the ability to keep wildfires contained in order to protect lives and communities. Many Americans also need access to their private lands, which are surrounded by national forests. The DEIS-proposed rules, unfortunately, would lock up 40-60 million acres for the exclusive use of non-motorized recreationists and proposes to manage them in a benign neglect.

The decisions regarding management of roadless areas should be decided at the local level, not by a national administrative fiat. Local-level forest planning has long been the mechanism used to develop forest plan decisions by the people most knowledgeable about the national forest lands. Local forest plans have been developed through an open public access by agency personnel, industry representatives, environmentalists, elected officials and community activists. The proposed top-down, one-size-fits-all proposal

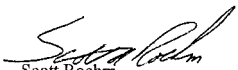
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undermines the cooperative dialogue that takes place during each forest's plan revision and cancels out years of research, scientific analyses, collaboration and compromise.

In short, we support Alternative A, which is to have no new or more restrictive rules and support the multiple use of our national forest for snowmobiling, four-wheeling and timber harvesting.

Sincerely,



Scott Roehm,
Ontonagon Village President

cc: J. R. Richardson, Smurfit-Stone Container
Senator Carl Levin
Congressman Bart Stupak
Senator Spencer Abraham
USFS Ottawa Forest Supervisor, Ironwood Office
USFS Ontonagon District Ranger



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40

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July 17, 2000

Page 2

July 17, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Re: Comments on Forest Service Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement

Dear Sir or Madam:

The Minnesota Department of Natural Resources (MDNR) has reviewed the proposed rule and Draft Environmental Impact Statement (DEIS) for Roadless Area Conservation and provides the following comments for your consideration.

We appreciate that the Forest Service (USFS) is addressing the complex issues of roadless area protection and access in the National Forests. We realize there are many difficult choices to make in selecting the appropriate alternatives for implementation.

In general, we support the Preferred Prohibition Alternative 2 (Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas) and the Preferred Procedural Alternative B (Forest Planning Process Implemented at Next Forest Plan Revision). However, we are concerned that with the selection of any of the prohibition alternatives, access to non-federal (state) land not be impeded, as discussed below.

General Comments

Access to non-federal lands in the "unroaded areas" of the "inventoried roadless areas" is a major concern. Within the thirteen sites totalling 60,802 acres of inventoried roadless areas in the Superior National Forest, there are an estimated 7,000 acres of state land and another 3,000 acres of other non-federal land. Within some of the inventoried roadless areas, there are large blocks of Forest Service land with little or no non-federal inclusions, while some portions that do have significant non-federal inholdings are on the periphery of the inventoried roadless areas. Some state inholdings, however, are located within inventoried roadless areas surrounded by Forest Service lands. (The Chippewa National Forest has only 77 acres of inventoried roadless areas on islands surrounded by water.)

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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Unroaded areas are poorly defined in the proposed Roadless Area Rule, especially in terms of how they will be designated on a local basis (e.g., at what distance beyond the right-of-way of a classified road is a tract of land considered as "unroaded"?). If the Forest Service's Recreational Outdoor Spectrum classification of "semi-primitive, non-motorized" is used as a surrogate, as applied by the Superior National Forest, perhaps as much as 40% of the inventoried roadless areas might be considered as unroaded areas.

Once designated as an unroaded area, it will be more challenging than at present for non-federal landowners to obtain access from the Forest Service even though the proposed Roadless Rule provides an exception for "outstanding rights" (e.g., Alaska National Interest Lands Conservation Act, ANILCA, requires the USFS to provide reasonable access to non-federal lands). The Forest Service will still be required to prepare an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA); because of the proposed Roadless Area Rule prohibition on reconstruction of "unclassified roads" including existing travelways such as winter roads, the EAs will receive even greater scrutiny and will be more costly and time consuming to prepare.

Currently, the Superior National Forest is underfunded to provide timely EAs that are required by NEPA for the needed access permits. Recent USFS changes in the scope of NEPA review requirements for special use permits have substantially increased the costs for processing special use permits. Inadequate funding to prepare the EAs can cause significant delays in the issuance of special use permits for access to non-federal lands. To resolve this funding dilemma, a recent USFS proposed rule revision related to cost recovery for special use permits would shift the higher costs of processing special use permits, including preparation of NEPA documents, to permit applicants (see March 8, 2000 MDNR comment letter on the proposed cost recovery rule). Already, the increased costs of processing special use permits, underfunding by the USFS, and the directive to collect the costs of special use permits from applicants has made cooperative transportation system management and use more difficult in Minnesota, and prevented renewal of a long-standing reciprocal road access agreement between the MDNR and the USFS.

The MDNR is also concerned regarding the use of anticipated funding levels needed for road maintenance as a means to identify transportation needs, which can become a means to control transportation policy (i.e., the less funding assumed or actually available, the fewer roads will be justified as being needed or supportable). Transportation system needs should be determined by management objectives. While the designation of unroaded areas will reduce future Forest Service road construction and maintenance costs, existing needed access roads should not be eliminated on the basis of funding limitations alone.

We are concerned that the proposed Road Management Rule does not recognize the existence of roads that are used or needed only periodically for management purposes. "Unroaded Areas" in the proposed Roadless Area Rule are defined as "any area, without the presence of a classified road, . . .". There are numerous classified and unclassified roads that are not recognized on an existing National Forest road inventory that provide access to non-federal and National Forest Lands alike. Many unclassified roads, or travelways, require little or no maintenance since they are often restricted to winter use and may be only used every 20 to 40 years or so.

July 17, 2000
Page 3

The proposed Roadless Area Rule should recognize some of these travelways as "classified roads" through collaborative planning with other landowners, so that these access roads to non-federal lands are not treated as new construction or re-construction when they are periodically needed, so as to minimize NEPA involvement. We do not believe it is a prudent use of staff resources to prepare EAs for these existing travelways (the environmental effects have already occurred), and that, in addition to providing access for forest management purposes, also provide access for existing recreational uses. Likewise, the MDNR and other landowners will likely incur increased costs to regain access on formerly inventoried ("classified") roads if they are dropped from the national forest road system (i.e., decommissioned) as a result of the proposed Road Management Rule, because of the environmental review that would be needed before these travelways could be reopened. Since the status of National Forest lands as unroaded areas has implications for the extent of NEPA review and monitoring needs, the accuracy of National Forest road inventories is extremely important. As such, there needs to be ample opportunity for state, county and other adjacent land owners to have input as to what roads are included in the National Forest road inventories.

Specific Comments on the Proposed Rule - Appendix A:

A-3, Background-National Forest System Land Designations. The proposed rule uses primarily the Roadless Area Review and Evaluation (RARE) II inventories to identify the inventoried roadless areas that are the subject of this rulemaking. In Minnesota, many of the RARE II areas were included in the expansion of the Boundary Waters Canoe Area Wilderness (BWCAW) in 1979. Since that time, much of the remaining RARE II areas have been roaded or logged. There should be some process to "delist" the RARE II areas that are determined to be "roaded".

A-4, Proposed Roadless Area Conservation Rule. The purpose in the rule seems clear enough as stated (to stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas), but the Draft EIS (page 1-3) points out that mechanized and motorized uses such as off-highway vehicles (OHVs) are often allowed in roadless areas. OHV use can cause degradation of desirable characteristics of inventoried roadless areas as well as the other activities discussed in the document.

A-7, Other regulatory initiatives. The Draft EIS (Summary, page 46) estimates that the proposed Land and Resource Management Planning Rule and Proposed Road Management Rule and Policy would provide a comprehensive and consistent strategy for managing National Forest Lands. However, this set of proposed rules, in addition to the proposed Roadless Area Conservation Rule, can also be perceived to create additional layers of bureaucracy. The Draft EIS (page 1-14) states that the Forest Service may choose to integrate and clarify certain provisions within each rule to ensure consistency, clarity, and effectiveness. While this seems prudent, these principles could also be addressed through one proposed rule, such as the proposed Land and Resource Management Planning Rule, which already addresses requirements to consider some of the same issues which the USFS is attempting to address in the other proposed rules.

A-8, Proposed §294.11 - Definitions. Fundamental to understanding the impact of the proposed Roadless Area Rule is a clear definition of what "unroaded" really means. The proposed rule

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July 17, 2000
Page 4

describes eight broad characteristics of roadless areas, but no definition has been proposed that really defines "unroaded" for use by USFS personnel or for the understanding of interested stakeholders. Must an unroaded portion of an inventoried roadless area be, for example, at least 1/4 mile from a classified road right-of-way or beyond the view from a classified road? What would be really considered as unroaded in "other unroaded areas"?

Without an adequate definition for "unroaded", the MDNR is particularly concerned with the provision of the proposed rule that "other unroaded areas" be considered in the revision of national forest plans. Depending on the determination of the "responsible official" as to which areas warrant protection as "roadless areas", a substantial acreage might be designated as "unroaded areas" that do not recognize existing travelways as temporary roads that can provide access for resource management on non-federal lands.

A-9, Proposed §294.12, Prohibition on road construction and reconstruction in inventoried roadless areas. Nothing in this section is intended to prohibit the construction or maintenance of motorized trails, which seems inconsistent given the observations of many resource managers and citizens that OHV use can be more damaging than using existing travelways by loggers in the winter.

A-9, Proposed §294.13 - Consideration of roadless area conservation during forest plan revision. Having the responsible official evaluate additional roadless areas during the plan revision makes sense, providing there is adequate collaboration in planning transportation needs with other landowners within the National Forests, and if a better definition is provided as to what constitutes a "roadless area". We note that as part of the Superior National Forest plan revision process, areas have been identified for potential designation as Research Natural Areas (RNAs); and the Forest Service and the MDNR have agreed to protect these areas until the current plan revision is completed. The MDNR may then consider cooperative management of state lands adjacent to the potential RNAs.

A-12, Proposed Roadless Characteristics. The characteristics are quite broad and seem to imply that only through designating the area as "unroaded" can these characteristics be protected (e.g., cultural resources, soil productivity, riparian areas, visual quality, water quality, wetlands, and wildlife habitat). Many of these characteristics can be protected through active forest management activities. Minnesota has invested significant resources in developing and training natural resource managers and loggers in the use of Voluntary Site-Level Forest Management Guidelines that have been adopted as a matter of policy for operations on MDNR, USFS, county and industrial forest lands by their respective organizations.

A-19, Potential costs of the prohibition on road construction. The discussion on timber sales and lost jobs is too narrowly focused on National Forest lands. The reduction in USFS timber sales only increases the harvesting level on non-federal lands. Since 1993, the proportion of timber harvest on private lands has exceeded that from public lands and it continues to increase. The Draft EIS recognizes that point (page S-40) by stating that "the environmental impacts associated with timber harvesting and associated road construction and reconstruction would be transferred from NFS lands to other ownerships."

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DOUGLAS J. (DOUG) JOHNSON
Senator 6th District
1136 Lagoon Road
Tower, MN 55790
and
205 State Capitol Building
75 Constitution Avenue
St. Paul, MN 55155-1606
Phone: (651) 296-8881
Fax: (651) 296-6557



Senate
State of Minnesota

May 17, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

This letter is written to object strenuously to the Forest Service proposal for designating additional roadless areas.

Without going into detail, I particularly object to designating roadless areas in the Chippewa and Superior National Forests. My constituents are dependent on these national forests for recreation and timber management. I see no harm from temporary roads and the forest service is way out of line on this issue. Upon the passage of the 1978 BWCA bill, my constituents were promised that timber cutting would not be restricted outside the BWCA. These promises are now being broken.

I would hope you would reconsider based on these earlier federal commitments.

Yours truly,

Douglas J. Johnson
State Senator

CAET RECEIVED
MAY 24 2000

BY:

7-17-00 3:50 HOUSE OF REPS 5TH FL-

VIA XPEDITE:# 2/ 2

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Sharon Marko
State Representative
District 57B
Washington County



**Minnesota
House of
Representatives**

COMMITTEES: CAPITAL INVESTMENT; TRANSPORTATION AND TRANSIT; LOCAL AND METROPOLITAN AFFAIRS

July 17, 2000

Dear U.S. Forest Service:

I understand more than 380,000 miles of roads criss-cross our national forests. I support keeping our remaining wild areas unroaded. This will provide more natural habitat for wildlife as well as quiet recreation opportunities for people.

Specifically, I support:

Prohibition Alternative 4, which prohibits road building and logging in roadless areas;

Procedural Alternative D, which enables the forest service to begin developing guidelines for managing roadless areas now until they can be incorporated into the forest management planning process; and

Tongass Alternative T4, which affords protection for the important Tongass National Forest in Alaska now, instead of waiting until 2004.

Further, I support prohibiting off-highway vehicle use in unroaded areas. They have plenty of roads to drive on already.

Thank you very much for your consideration.

Sincerely,

Sharon Marko
State Representative, District 57B

11247 Kingsborough Trail, Cottage Grove, Minnesota 55016
State Office Building, 100 Constitution Ave., St. Paul, Minnesota 55155-1200
House Fax (651) 296-1563 TTY (651) 296-8898

(651) 499-7757
(651) 296-3135



COMMITTEES: Chairman, Senate Committee on Taxes • Rules and Administration • Jobs, Energy and Community Development • Election Law • Iron Range Resources & Rehabilitation Board • Duluth Legislative Delegation • Legislative Advisory Commission



13965



Cook County Board of Commissioners

COURT HOUSE • P.O. BOX 1150 • GRAND MARAIS, MINNESOTA 55604-1150 • (218) 387-3000 • FAX (218) 387-3043

- District 1 Janice Hall
- District 2 Walter Mianowski
- District 3 Robert Fenwick
- District 4 Wesley Hedstrom
- District 5 James Hall



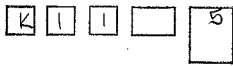
Cook County Board of Commissioners

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- District 2 Walter Mianowski
- District 3 Robert Fenwick
- District 4 Wesley Hedstrom
- District 5 James Hall

July 6, 2000

July 12, 2000



USDA, Forest Service - CAET
 PO Box 221090
 ATTN: Roadless Areas Proposed Mail
 Salt Lake City, UT 84122

Additional Comment:

TO WHOM IT CONCERNS:

The Forest Service Roadless Area Conservation draft Environmental Impact Statement, Volume I, II, and Summary and Proposed rule are documents that are a liability to local jurisdictions. Local jurisdictions have unique economics based on the wood industry. These economies are based on diminishing wood resources either due to location or increasing conservation policy.

Now, there is the "Roadless Area Conservation" proposal that adds further restrictions on federal lands limiting wood resources. Further, there is no commentary on how this proposal would reduce access to state, county, township, or private land holdings. So, the proposal initially constrains use on additional federal lands and secondly imposes access restrictions to local jurisdiction lands.

Again, the Cook County Board of Commissioners wishes to voice their opposition to the "Proposed Rule." The incorporation of a rule that is directed at particular areas of the United States but becomes a liability in its conception is wrong. Address the issues in the particular states that can be identified as "problem areas" and do not restrain other states with unnecessary federal government policy.

Sincerely,

Walter Mianowski, Chair
 Cook County Board of Commissioners

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 JUL 17 2000

USDA, Forest Service - CAET
 PO Box 221090
 ATTN: Roadless Areas Proposed Mail
 Salt Lake City, UT 84122

To Whom It Concerns:

The Forest Service Roadless Area Conservation draft Environmental Impact Statement, Volume I, II, and Summary and Proposed rule are bias documents that support a Forest Service position promoted by a White House initiative. For one to realize the amount of time and money spent to produce these documents and have a hopeful feeling to write a comment that would change the outcome is foolish.

This letter of opposition is being written to be of record but the specific goal to change the posture of the proposed rule already appears to be out of reach. The language throughout the draft environmental impact statement (Volumes I and II) clearly accents all the negative "ifs" that might happen with road construction/reconstruction and timber management. The point of this EIS was not to provide equitable discussion on the issue but provide enough "ifs" so an individual would conclude that these roadless areas are necessary. Common language throughout the document indicates possibility - can, may, might and could, has the possibility. Example - Pages 3-26.

Affected Environment

1. Road construction and timber harvest can
2. Roding and timber harvest may indirectly
Page 3-29
3. Roding and timber harvest are activities that can

This language is unfortunate for such a document but appropriate if one wishes to cloud the issues. If a thorough review is conducted on this proposed rule relative to individual states, one would find this proposal obsolete compared to present management practices.

The State of Minnesota has already spent thousands of dollars on the development and application of the "Best Management practices" associated with timber management. These

- An Equal Opportunity Employer -

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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BMP do protect and support the ecological diversity of the Minnesota forests. For the federal government to have a unilateral decision that is directed at western states practices but becomes universal to other states that have established progressive ecosystem management is typical government administrative deficiencies at its best.

There is strong inference in this EIS that roads and timber management practices are the leading factors that have a negative impact on the nation's drinking waters. This statement is over inclusive and should strongly advocate federal action where there is a problem. In northeastern Minnesota the issue is not roads and timber management practices but acid rain. The acidity of the rain and snow is not a by-product of road construction and timber harvesting but is the by-product of industrial pollution from outside of the area. The BMP for water quality in Minnesota has provided guidelines for road construction and timber harvesting that preserve water quality. If the federal government is really concerned about water quality of the nation, then their energy should not be put into a smoke screen directed at road construction/reconstruction and timber management in or near inventoried roadless conservation areas. The federal energy should be put into agricultural/industrial pollution.

Under the question, "How did the Forest Service determine what activities to include under the prohibition and procedural alternatives, the statement is made that the Forest Service proposes to prohibit those activities that pose the most significant national threat to inventoried roadless areas.

This statement is ambiguous and misleading. If the purpose of this initiative is to eliminate man's influence on a forest, then make that statement. If the initiative is to sustain a healthy forest that can support dispersed recreation, clean water sources for public drinking water, landscapes that provide privacy and seclusion and habitat for rare plant and animal species, then forest management will be required.

In the text, the statement refers to undisturbed landscape but there is no definition of "undisturbed." Undisturbed by man or nature? Mechanical harvest or natural disaster (fire/flood?) A forest that is not harvested in northeastern Minnesota will become a mature forest that has a high susceptibility to deterioration from natural causes. Is this the healthy forest that will support recreation, water quality, seclusion, rare plants, and rare animals? A healthy forest supports greater diversity.

"The Procedural Alternatives outline how local forest and grassland managers should address roadless characteristics in the future as they pursue projects or revise their land and resource management plans." This statement provides for local managers to make management decisions inclusive to the health of the local roadless areas. Unfortunately, there is no discussion of public participation in this process.

This EIS document is a display of political agenda superseding common sense, healthy timber management, and road construction/reconstruction for the people of the United States. The pendulum continues to swing to the conservative commentary on environmental issues. The reality is when one is done in protecting all of nature how will

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one find the optimum balance of man/nature. The EIS on "Roadless Area Conservation" is a biased document that perpetuates the imbalance of man/nature.


Sincerely,

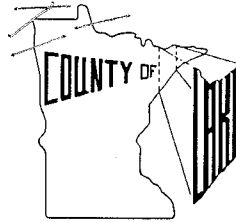


WALTER J. MIANOWSKI, Chair
Cook County Board of Commissioners

WJM/js



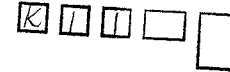

KOOCHICHING COUNTY BOARD OF COMMISSIONERS
COURTHOUSE
 715 4th Street
 INTERNATIONAL FALLS, MN 56649



COMMISSIONERS' OFFICE
County of Lake
 Courthouse
 601 Third Avenue
 Two Harbors, MN 55616
 (218) 834-8320 FAX (218) 834-8360

10119

FIRST DISTRICT
 CLAIR A. NELSON, FINLAND
 SECOND DISTRICT
 DERRICK L. GOUTERMONT, SILVER BAY
 THIRD DISTRICT
 SHARON HAHN, TWO HARBORS
 FOURTH DISTRICT
 WILLARD M. CLARK, TWO HARBORS
 FIFTH DISTRICT
 STANLEY A. NELSON, TWO HARBORS



May 26, 2000

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JUN 01 2000

June 22, 2000

USDA Forest Service CAET
 P.O. Box 221090
 Salt Lake City, UT 84112

USDA Forest Service - CAET
 Post Office Box 221090
 Attention: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

District 1
 Wade Pavleck
 P.O. Box 1253
 Intl Falls, Mn 56649
 218-286-5273

District 2
 Tim McBride
 514 7th Avenue
 Intl Falls, Mn 56649
 218-285-7771

District 3
 Larry Chezick
 2318 4th Avenue E
 Intl Falls, Mn 56649
 218-283-4325

District 4
 Charles Lepper
 1113 13th Avenue
 Intl Falls, Mn 56649
 218-283-2394

District 5
 Michael Hanson
 1740 Co. Rd. 86 N.
 Birchdale, MN 56649
 218-634-1340

Attention: Roadless Area Proposed Rule

Attached please find a memo from Bruce Barker to the Minnesota Timber Producers Association quoting statements from Chapter 3 of the Forest Service's draft Environmental Impact Statement for Roadless Area Conservation of which the Koochiching County Board finds publicly distasteful and disrespectful.

The Koochiching County Board is outraged that such statements about rural communities and their citizens would be placed in a document where they are the subject of degrading remarks and question why these statements have any bearing in your policy decision for Roadless Area Conservation or timber harvesting. We find these statements a slap in the face to proud and hardworking rural citizens who chose to live in a rural setting because of the high quality of life.

The Koochiching County Board, on behalf of rural communities and their citizens, immediately requests that this and similar statements be retracted from the planning document and that the Forest Service be held accountable for these distasteful remarks of the rural public.

Respectfully,

Larry Chezick
 Larry Chezick
 Board Chair
 Koochiching County Board

Cc: MN Representative Irv Anderson
 MN Senator Robert Lessard
 U.S. Representative James Oberstar
 U.S. Senator Rod Grams
 U.S. Senator Paul Wellstone
 Northern Counties Land Use Board
 Associated Contract Loggers

To Whom It May Concern:

The purpose of this letter is to provide comments and state my opposition to the new Roadless Area Conservation Draft Environmental Impact Statement, Volume 1.11. The summary and proposed rules are good examples of people making rules and regulations when they really don't know what is happening on the ground and out in the real world.

In Lake County, we have good examples of roadless areas. They have had or did have roads in them when they were designated as roadless areas by the Forest Service. We have almost 1.4 million acres of land in our county of which about two percent have improvements on them which do not include roads. In most areas, more than 90 percent of our road use is recreational. We really enjoy and care about the public lands in our county. If we didn't, we would live somewhere else.

I thought the draft environmental impact statement was really going to address the issues. I was really disappointed in the fact that after all the time and money spent on this document, it just repeats itself with "ifs and maybes".

The B.W.C.A is in our area and about 25 percent of Lake County is included in this wilderness area. There are more people using a small percentage of the land in this area on a daily basis than any other part of our county. You have to remember, the reason the B.W.C.A. and many other areas of Northeast Minnesota are as pretty as there are, is because of proper land management. A healthy forest has to be managed and a healthy forest includes animals, trees, plants, birds and other living things.

Approximately 85 percent of our county is publicly owned, which includes the 58 percent owned by the federal government. If you look at our area, we have numerous RNAs, PRNAs, SMCs, Rare IIs and SNAs, state parks, and other reserve areas. I am sure this is true of other areas as well.

Administration Office: Phone: 218-283-6252 Fax: 218-283-6221 Email: Teresa.Jaksa@State.MN.US

WILMA H. CLARK, CLERK OF THE BOARD

AN EQUAL OPPORTUNITY EMPLOYER

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JUN 28 2000

USDA Forest Service-CAET
June 22, 2000
Page Two

It seems as though all the rules and management plans the Forest Service or White House comes up with lately conflict with each other. The Draft EIS on Roadless Areas is one-sided and does not look at what really is happening. Most statements made in the draft have no real basis to them, i.e., if this happens, this may happen, etc. Other statements are made throughout the document that have no real bearing on the subject of roadless areas. For example, in Chapter Three, page 190, third paragraph, if you change a couple of words, it describes Washington, D.C.

If we really want to be honest and care about the issues and the future of our country, we need to talk and work together on what is really happening. As an example, a very high percentage of the air pollution affecting Northeastern Minnesota comes from out of our area, as well as other countries. This is an issue that should be considered when looking at all these proposed rules and management plans.

Sincerely,



Clair A. Nelson, Chairman
Lake County Board of Commissioners

CAN/whc

cc: President Bill Clinton
Mike Dombeck, Chief, U.S. Forest Service
James Oberstar, Congressman
Rod Grams, Senator
Paul Wellstone, Senator
Jim Sanders, Forest Supervisor, Superior National Forest



Saint Louis County

Land Department • 320 West 2nd Street, Room 607, Gov't. Serv. Cntr. • Duluth, MN 55802
Phone: (218) 726-2606 • Fax: (218) 726-2600

David J. Epperly
Land Commissioner

Mark E. Reed
Deputy Land Commissioner

July 17, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Area Proposed Rule
Salt Lake City, Utah 84122

RE: COMMENTS IN OPPOSITION TO THE ROADLESS AREA CONSERVATION PROPOSED
RULE AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chief Dombeck:

The recent flurry of federally proposed rules within the last 9 months which are changing the direction of the United States Forest Service is of great concern to St. Louis County. St. Louis County Minnesota is the largest county east of the Mississippi River and is 7,000 square miles in area. St. Louis County is home for the largest county managed forest in the United States, nearly one million acres in size. It is comparable to an average sized National Forest in scope. St. Louis County and 14 other northern Minnesota Counties are responsible for the State of Minnesota's 2.8 million acres of Tax Forfeited Trust Lands. These lands are managed for the benefit of the local taxing districts.

The Tax Forfeited Trust Lands managed by St. Louis County are affected by the management of federal lands, state lands, other public and private lands as well. The ownership pattern in northern Minnesota is a "checkerboard" mix of these ownerships (see attached map). Cooperation is essential. Significant change in policy of any of these owners has an effect on the other. Within Minnesota, the cooperative spirit between these ownerships and public agencies has helped produce a quality forest today that we enjoy and have come to expect.

The quality forests we have today will be threatened if the proposed rules are adopted. St. Louis County is of the opinion that the changes being proposed will cause our national forests to become non-productive and unhealthy. Therefore, without more intensive management these forests will be lost to the ravages of fire, wind, insects and disease by default. Over time, unhealthy federal forests

"Trust Lands, Managed For The People Of This County"

will negatively affect the health and productivity of neighboring forests. These proposed federal rule changes will significantly increase the cost for fire protection to local governments, reduce income potential from 25% payments and in lieu payments and unfairly focus the demand for federal forest resources to state, county and private forest resources.

One of the reasons St. Louis County is firmly and summarily opposed to any rule changes being proposed and in particular, the Roadless Area Initiative Conservation Proposal, is the potential limitation on access to lands under its management. The right to access is a fundamental right of land ownership. Congress has created legislation evidencing its intent to ensure an inholder's right to access their property, most notably through the Alaska National Interest Lands Conservation Act, 16 U.S.C. §3210(a). The common law doctrine of easement by necessity further provides that inholders must have access to their land through National Forests. See, generally, Galen B. Schuler, Easements by Necessity: A Threshold for In holder Access Rights Under the Alaska National Interest Lands Conservation Act, 70 Wash. L. Rev. 307 (1995). The Forest Service's Roadless Area Proposed Rules would frustrate Congressional intent, as inholder's would be denied reasonable access to their property. Furthermore, Congress has directed the Secretary of Agriculture to provide for the "multiple use and sustained yield" of the National Forests. 16 U.S.C. §529. The Roadless Area Proposed Rules would conceivably limit the uses in and around the National Forests as well as limiting the yields of renewable resources. The Forest Service's attempt to prevent road construction and reconstruction is contrary to Congress' intent as stated in the following statutes.

Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. §§3101-3233)
"Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. Provided, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System". 16 U.S.C. § 3210(a). ANILCA provides a statutory right of access to inholders of property within all National Forests lands and not exclusively to those in Alaska. See Montana Wilderness Ass'n v. United States, 655 F.2d 951, 957 (9th Cir. 1981) cert. denied, 455 U.S. 989 (1982).

RS 2477 (43 U.S.C. 932)

Section 8 of the Act of July 26, 1866 Act provided that, "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted". RS 2477 was repealed by the Federal Land Policy and Management Act of October 21, 1976. However, previous grants of right of ways continue to exist. See United States Department of the Interior, Bureau of Land Management, Instruction Memorandum No. 90-589.

Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701-1785)

"The Congress declares that it is the policy of the United States that- . . .

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands". Section 1701(a). Further, "The Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for - . . .

(6) roads, trails, highways . . .

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, under or through such lands." Section 1761.

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In addition, "The Secretary, with respect to the public lands, is authorized to provide for the acquisition, construction, and maintenance of roads within and near the public lands in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management of such lands for utilization of the other resources thereof". Section 1762(a).

The Forest Service states that its authority to create the Roadless Area is derived from the Organic Administration Act of 1897 and the Multiple-Use Sustained-Yield Act of 1960. The Forest Service also cites to other statutes with which it must also comply, specifically, the National Forest Roads and Trails Act, the Forest and Rangeland Renewable Resources Planning Act, and the Surface Transportation Assistance Act of 1978 in conjunction with 36 CFR part 212. See DEIS Vol.1, A-7.8.

Organic Administration Act of 1897 (16 U.S.C §551)

This statute gives the Secretary of Agriculture the power to make rules and regulations for the protection of public and national forests from fire and other destructive causes. It also allows limiting the use and occupancy of the forests.

Multiple-Use Sustained-Yield Act of 1960 (MUSYA) (16 U.S.C. §§528-531) "It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes". 16 U.S.C. §528. MUSYA is supplemental to 16 U.S.C. §475, which states the purpose of establishing national forests is to, "improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States".

Creation of a Roadless Area would contradict the Congressional intent of ensuring a "continuous supply of timber" as stated in Section 475 of MUSYA. Under Alternative 2, there would be a 73% reduction in timber volume offered as compared to Alternative 1. DEIS 3-115. Alternative 3 would lead to 91% reduction, and Alternative 4 would obviously be a 100% reduction in timber sales. DEIS 3-116. Alternatives 2, 3 or 4 would arguably not furnish the country with a "continuous supply of timber".

The MUSYA further states that, "The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom". See 16 U.S.C. §529. Also, consideration should be given to the "relative values of the various resources in particular areas". The Secretary is also "authorized" to cooperate with local and State governments to manage the national forests. 16 U.S.C. §530.

The MUSYA defines multiple use as:

"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 land, with consideration being 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." Section 531(a) (emphasis added).

Also, "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land". Section 531(b).

The DEIS cites to the MUSYA, and states that the Secretary is supposed to administer the land "without impairment of the productivity of the land". A-7. This statement is arguably contradictory with the roadless initiative, as the purpose of the MUSYA is to ensure that the land remains productive. It would make little sense for land to be productive when it is inaccessible. The statute specifically calls for management of the resources, it would appear that management would be more difficult without roads. Multiple use and sustained yield would be almost impossible without roadways.

The National Forest Roads and Trails Act (NFRTA) (16 U.S.C. §§532-538) clearly evidences Congress' intent in providing for roads to satisfy the nation's demand for timber. The statute also recognizes the need for protection, however, this is in the context of providing for the best way to harvest timber. Congress gives the Secretary the power to create roads through this statute, however, it does not give him or the Forest Service the power to prohibit roads.

This Act provides that,

"The Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services." 16 U.S.C. §532. The Secretary is given the power to grant easements over national forest land which can then be terminated or canceled by the Secretary.

The Act further provides that,

"The Secretary is authorized to provide for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof." It further discusses the financing of such roads by the timber purchaser, the Secretary, or public agencies. The Secretary may also require users of Forest Service roads to maintain or reconstruct roads.

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The FLPMA does not affect or modify the NFRTA (16 U.S.C. 532-538); the NFRTA shall prevail over the FLPMA if there is an inconsistency. (43 U.S.C. § 1770).

In addition, the DEIS and proposed rules are inconsistent with the Forest and Rangeland Renewable Resources Planning Act (FRRRPA) (16 U.S.C. §§1600-1613) which states: "The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in sections 532 to 538 of this title (National Forest Roads and Trails Act), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits: Provided, That limitations on the level of obligations for construction of forest roads by timber purchasers shall be established in annual appropriation Acts." Section 1608(a).

The DEIS states that this Act requires the Secretary "to install a proper system of transportation that is both economically and environmentally sound". A-7. However, this statement ignores part of the Act's purpose, that the system of transportation "be carried forward in time".

The DEIS also cites to Section 1608(c), stating that, "Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources." A-7, 8. Section 1608(a) directly cites to the National Forest Roads and Trails Act, which clearly states timber as one of the intended uses of the National Forest.

Federal Regulations at 36 CFR part 212 regulate how the Chief of the Forest Service is to grant easements and access to National Forests. The Regulations specifically provide that,

"To assure effective protection, management, and utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent, the Chief shall as promptly as is feasible obtain needed access thereto and shall grant appropriate access across National Forest and other lands and easements administered by the Forest Service to intermingled or adjacent landowners. Construction, reconstruction or maintenance of a road or highway requires written authorization".

This Federal Regulation (36 CFR part 212) does more than merely authorize the Chief to grant access to National Forest lands, it states that he "shall" grant access to inholders. The Roadless Area Proposal would directly contradict the Surface Transportation Assistance Act of 1978 (23 U.S.C. 210, 205), which governs federal funds to be used for forest highway, forest development roads and trails, as inholders could be denied reasonable access to their land.

The Forest Service has stated in its National Forest System Road Management and Transportation System: Proposed Rule and Notices, which seeks to revise 36 CFR part 212, that one of its primary actions is to, "Aggressively decommission nonbeneficial roads that are determined through forest planning and NEPA and other analysis to be damaging to the environment or to be no longer necessary for achieving resource managing objectives". 65 FR 11676. The decision to decommission a road will be made through, "science-based analysis at

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appropriate scales which includes opportunities for public involvement and consultation with state, local, and tribal governments". 65 FR 11683 (revision of part 212.5(b)(1)). The Forest Service admits that it does not provide a standard for "science-based analysis" because it intends to allow itself "flexibility". 65 FR 11681. However, if this is the same "flexibility" it allowed itself in developing the Roadless Area Initiative, this would mean "bypassing scientific analysis". See National Federation of Federal Employees, Forest Service Council, The Roadless Area Initiative: Politics Make Poor Policy. This proposed revision allows for "opportunities for public involvement", yet does not require the involvement of the people that decommissioned roads will directly effect. Further, there is the potential for creating more roadless areas through the decommissioning of roads by default. This is unacceptable and has the potential for decisions which are arbitrary and capricious.

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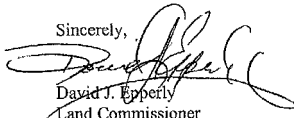
St. Louis County and State of Minnesota Ownership Within Superior National Forest

The DEIS and proposed Rules conveniently ignore statutory law, case law, common law, and existing federal regulations. ANILCA explicitly states that inholders have a right to access their lands through National Forest lands. The basic idea of easement by necessity requires that inholders must have access to their land. The existing Federal Regulation, 36 CFR part 212.5, states that the Chief must grant access to inholders. The Forest Service is ignoring the needs of lawful landowners, who merely wish to have reasonable access and use of their properties.

The proposed Roadless Area Conservation Plan is ill-conceived and is further ignoring the needs of the American people and what people really desire from their forests. The professional land managers involved in the care and protection of these forests have proven accountability to the people they serve and understand how to keep our forests productive and healthy. They have done so for the past ninety years using the very laws and policies proposed to be changed. The forests of today have resulted from these long term and visionary policies, eliminating the short term thinking and political whims which are a detriment to quality forests and long term protection of renewable resources. The FLPMA, MUSYA, NFRTA, and the FRRRPA and other similar laws all recognize the importance and benefits provided by our forests and the need to manage them to provide all things people have come to expect from our forests.

The Forest Service Roadless Area Conservation Environmental Impact Statement (EIS) is fundamentally biased, unscientific and flawed. Therefore, any proposed rules based on this document are flawed and should be rejected.

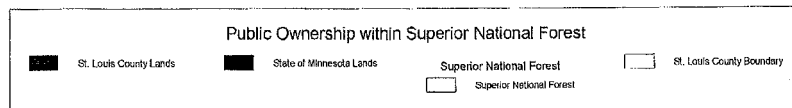
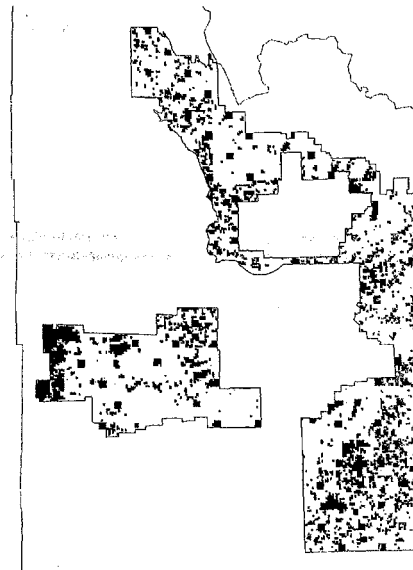
Sincerely,



David J. Epperly
Land Commissioner

- C:
- Senator Oberstar
 - Senator Wellstone
 - Senator Grams
 - County Administrator David Twa
 - County Commissioner Fay
 - County Commissioner Fink
 - County Commissioner Kron
 - County Commissioner Sweeney
 - County Commissioner Forsman
 - County Commissioner Raukar
 - County Commissioner Prebich

DE/rl

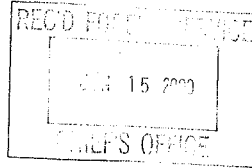
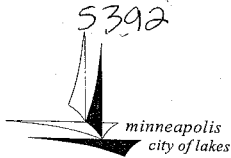


JIM NILAND
Council Member, Sixth Ward
350 South 5th Street - Room 307
Minneapolis MN 55415-1383

Office (612) 673-2206
TTY 673-2157

1 1 5 *yes*

JUN 16 RECD



April 28, 2000

Michael Dombeck
Chief
U.S. Forest Service
P. O. Box 96090
Washington, DC 20090

CAET RECEIVED
JUN 19 2000

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Minnesota, I well understand the critical importance of intact and undamaged pristine wild areas. The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes. The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness.

Minnesota is fortunate to have some of this nation's most impressive national forests. From Superior to Chippewa National Forest, they are filled with many of the remaining roadless areas. The vast pine forests of Superior National Forest stand out as national and local treasures, home to moose, wolves, black bears, loons and migratory birds. These forests could continue to provide beauty and wilderness recreation areas for the benefit of generations to come. Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. Protecting them protects our history and ensures a vibrant future. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage. Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses.

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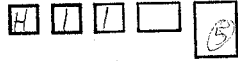
Michael Dombeck
Page Two
April 28, 2000

In 2000, the projected economic impact of recreation in the national forest system will be \$1110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes. I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Jim Niland
Minneapolis City Council
Sixth Ward

/lk
cc: U.S. Senator Paul Wellstone
Antha Williams



11235

June 28, 2000

USDA Forest Service, CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City UT 84122

CAET RECEIVED

JUN 03 2000

Comments on Roadless Area Proposed Rule

Gentlemen:

I support Alternative 1 for the following reasons:

In this area, and I'm sure in other parts of the country, wood-using industries have been upgrading their plants and increasing their production capacity based on expected available timber supplies. Under your preferred alternative you say timber harvest would not be prohibited as long as no new roads are built. We all know that roads are needed to haul products from the forest, therefore the timber volumes available for harvest from these roadless areas would be negligible. The net effect of this is to further reduce timber harvest on the NFS from its already reduced level. This causes a shift of timber demand to other sources, in turn causing higher stumpage prices and a lower overall timber availability. This has already happened here because of reduced harvest levels on the two National Forests in Minnesota. The USFS should be increasing its cut, not reducing it. You have to provide your fair share of the resource and you're not doing it.

I believe that many of your concerns regarding environmental damage resulting from road construction are overstated. Current road engineering and construction techniques can greatly reduce these fears if roads are properly designed in the first place.

As a local government official, I take issue with your general characterization in the DEIS of forestry workers being uneducated, unstable, and unmotivated. I know many of these people personally that live and work in my township and your statements are not true.

It's rather obvious that the bottom line of all this is that 22% more of the NFS is to become de facto wilderness. We have enough wilderness now with the NPS, designated Wilderness Areas, SNAs, etc., etc. Designating wilderness is Congress' job, not the President's through executive order.

11235

Its also obvious to me that the DEIS was produced with the preferred alternative set as the goal, then written to support that goal. The Forest Service Roadless Area Conservation plan should be scrapped.

John C. Hanson, Supervisor, Torrey Township, Cass County, Minnesota

11296 90th Ave NE
Deer River MN 56633

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Ronny Wilkerson
Superintendent

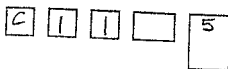
Steve Bostick
Chapter I

Michale Graves
Special Education Coordinator

Merri Gadd
Curriculum Coordinator

DEPARTMENT OF EDUCATION OF BENTON COUNTY

P.O. Box 247 Ashland, Mississippi 38603
Phone: (601) 224-6252 • Fax (601) 224-3607



CAET RECEIVED

JUN 26 2000

June 22, 2000

USDA Forest Service
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

On behalf of the Benton County School System we wish to express our opposition to the Clinton Administration's proposal to designate over 50 million acres to the already excessively large amount of roadless and other non-use areas contained in the national forest system.

On October 13, 1999, President Bill Clinton announced his intention to add between 40 and 60 million acres to the currently designated 21 million acres of roadless areas. In addition, there are 33 million acres designated for "non-Motorized" uses and 35 million acres designated as wilderness. If this proposal is implemented, over 141 million acres or 73 percent of all national forest lands nationwide will be partially restricted or totally off limits to timber harvesting, oil and gas production and other commodity uses.

In our opinion, Bill Clinton has exceeded his constitutional authority in making this decision. Decisions of this magnitude, that affect the lives of so many people, should be reserved for the United States Congress.

Specifically, here are our reasons for opposing this unconstitutional land grab:

- (1) The removal of this land from commodity production will negate the opportunity for states to recoup any of the revenues forgone as a result of the lands not being on the tax rolls. School children will be the big losers.
- (2) The failure to build new roads and to decommission existing roads in areas that cannot be properly managed due to inaccessibility will further jeopardize the health of our national forest system. Currently, the national forest system is facing a forest health crisis of monumental proportions. Over 66 million acres are at high risk from catastrophic fires and insect and disease outbreaks. The only way to remedy this situation is through aggressive management of these lands.
- (3) The policy violates the rights of private inholders. Within the National Forests in the South, there are thousands of acres of private inholdings. In Mississippi only about 55 percent of the land within the proclaimed national forest boundaries are

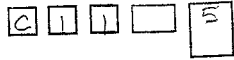
in federal ownership. Under this policy, many private landowners could either be denied access or at least be charged fees to reach their lands.
(4) The highest recreational use of our national forests enjoyed by the American public, i.e., motorized sightseeing, will be further reduced or eliminated. The segment of our society most affected would be the handicapped and senior citizens.

We consider this plan to be a waste of our valuable natural resources and not in the best interest of our country.

For this and the reasons stated above we request that the plan to set aside more acres for non-use be abandoned.

Sincerely,

Ronny Wilkerson
Superintendent of Education



Franklin County School District

P. O. Box 605

Meadville, MS 39653

Lona B. Thomas
Superintendent

(601) 384-2340
FAX (601) 384-2393

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USDA Forest Service
Attention: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, Utah 84122

I was given a form letter to send to the USDA Forest Service concerning President Clinton's Administration's proposal to designate over 50 million acres to the already excessively large amount of roadless and other non-use areas contained in the national forest system.

However, I have decided to write my own letter to you. For you see, I live in the Homochitto National Forest located in Franklin County, southwest Mississippi. I also live about 10 - 12 miles from the Sandy Creek area that has been labeled a roadless area. I am the Superintendent of Education of the Franklin County School System—a schools system that depends heavily on the revenue that comes from the timber that is cut from our Homochitto National Forest.

I believe in conserving our natural resources, but in a manner that is beneficial to all. I do not know if you have ever been to the Homochitto National Forest, but if you have not you need to come. The Homochitto National Forest is a well kept forest that allows everyone the opportunity to enjoy it. You have a recreational area, camping sites, hiking trails—anything that an outdoors person would want. And, you have timber harvesting.

The Forest Service in the Homochitto National Forest has a well-defined management plan that allows select cutting where necessary. As you should know, select cutting is a way of eliminating diseased trees and of creating substantial timber growth of trees left standing.

As Superintendent of the Franklin County School System, I can assure you if timber harvesting is discontinued in the Homochitto National Forest, our school system will be devastated. You see, our County is a rural county with a vast number of our residents making their living from the timber industry. The only means of increasing our local revenue would be to increase the local taxes of our County residents who could not pay the taxes because they would not have a way to make a living. (Personal note: My father was a small time logger in the 1940's - early 60's. So, I know what the timber industry means to the people of Franklin County.)

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As I watch the news reports on television about the enormous forest fires out west, I can only wonder what if their forest had been managed like the Homochitto National Forest, would the fires have been more easily contained eliminating so much devastation? For you see, I believe the dead trees allowed to stand because of no timber harvesting fueled the forest fires. As you should know, select cutting of timber would be a way of eliminating diseased or dead trees and allowing greater timber growth for trees standing.

Yes, I believe in conserving our national resources. I believe the people of the United States need to have places they can go to camp, hike through the woods, etc. But, I also believe this can be accomplished without destroying a school system, and honesty, a whole County.

I could quote you a lot of statistics and financial figures about the impact of the timber industry, but more than likely you have been given those figures numerous times. The economic influence the timber industry has on southwest Mississippi is enormous. It would be almost impossible to imagine what would happen if the timber industry was eliminated.

Franklin County is my home—has been and will always be my home. The Homochitto National Forest is our forest. We want it taken care of and want the people who try to destroy it taken care of also. The Homochitto National Forest is the best-maintained forest in the southern part of the United States and probably all of the United States.

I sincerely hope this plan to establish more timberland off limits to timber harvesting is abandoned. Why not let the people continue to have a means of earning a living, have a sense of worth and dignity. Our County and school system can continue to operate successfully. The people can still have a place to go to camp and hike and enjoy the outdoors. Through a well-defined management plan, all of this is possible. Everyone can enjoy the natural resources that God has provided.

Thank you for your time in reading this letter.

Sincerely,

Lona B. Thomas

Lona B. Thomas
Superintendent

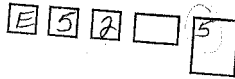
Congress of the United States
Washington, DC 20515

Roadless
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May 24, 2000

Mike Dombeck
Chief
Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250



Dear Chief Dombeck:

We are writing to express our displeasure with the tone conveyed in portions of the Roadless Area Conservation Draft Environmental Impact Statement (DEIS). These condescending and ignorant statements are disrespectful. We demand that this text be struck from the final EIS and that a public apology be issued to the forestry workers of this country.

Specifically, the *Social Effects Related to Timber Harvest* section (page 3-190) displays a patronizing attitude toward forestry workers and the communities where they reside. It states that "if Forest Service timber management policies are consistent and reliable" then forestry workers and their communities would "adjust." It is grossly arrogant to imply that forestry workers would prefer any "reliable" Forest Service policies over their job security. These workers depend on timber harvesting for their economic stability and to remove such jobs would only exacerbate the conditions that plague some of their communities.

The Forest Service carelessly dabbles in "pop" psychology by characterizing forestry workers as uneducated, unstable, and unmotivated. It states that "many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education." Such a poorly referenced statement is particularly offensive. Many forestry workers may have college degrees but are natives of the area who prefer to live and raise their families in their hometowns while working in a profession shared by their parents. If it is true, as described in the text, that "timber dependent communities are among the least prosperous," can the residents of that area be faulted for turning to forestry jobs that pay "high wages?"

The thrust of page 3-190 tries to convince forestry workers, their families, and policymakers that timber related professions should be abandoned because of their inherent risk and lack of job security. It implies that given these conditions, everyone affected by the roadless initiative should naturally agree with Forest Service objectives. We can be certain that all forestry workers are well aware of the dangers associated with their work and are trained to minimize harm. They are aware of the uncertainty of their job security, but steadfastly remain committed to their work and providing for their families. Finally, they are aware of the economic problems facing some of their communities, which only motivates them to try to preserve their jobs and keep their

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JUN 16 2000

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towns viable.

When the Forest Service misinterprets the composition, goals, and concerns of people in the timber industry, it mars the entire development of the roadless initiative. Forestry workers will be greatly impacted by the roadless initiative and it is necessary to understand who holds these positions and how they regard their work

We are dismayed that the Forest Service would include such elitist and divisive comments in its DEIS. Clearly, the DEIS was not carefully reviewed and edited and we think it is appropriate to have such unfair statements removed from the final draft. Moreover, the Forest Service should issue a public apology to avoid undermining an already tenuous relationship between the Forest Service and those most affected by the roadless initiative.

Sincerely,

Bart Stupak
BART STUPAK

Jim Oberstar
JIM OBERSTAR

Jack Metcalf
JACK METCALF

Jo Ann Emerson
JO ANN EMERSON

Helena Chenoweth-Hage
HELENA CHENOWETH-HAGE

JUL-17-2000 16:46

P. 02/05

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STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • Stephen M. Mahfood, Director
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176



July 17, 2000

USDA Forest Service
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Sir/Madam:

The Missouri Department of Natural Resources appreciates this opportunity to comment on the Draft Environmental Impact Statement (DEIS) that has been published by the U.S. Forest Service in association with the proposed rulemaking for the Roadless Area Conservation Initiative.

We are submitting the attached comments for inclusion in the official record that the Forest Service is compiling for this proposed rulemaking and DEIS.

Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Stephen Mahfood
Director

SM:tj

Attachment



JUL-17-2000 16:46

P. 03/05

19308

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • Stephen M. Mahfood, Director
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176

July 17, 2000

Mr. Michael P. Dombeck
Chief, Forest Service
U.S. Department of Agriculture
Sidney R. Yates Building
4th Floor NW
201 14th Street, S.W.
Washington, D.C. 20250

Mr. Randy Moore
Forest Supervisor
Mark Twain National Forest
401 Fairgrounds Road
Rolla, Missouri 65401

Dear Messrs. Dombeck and Moore:

The Missouri Department of Natural Resources appreciates this opportunity to comment on the Draft Environmental Impact Statement (DEIS) that the U.S. Forest Service has published in association with the proposed rulemaking for the Roadless Area Conservation Initiative.

The Department of Natural Resources is the principal coordinating agency for all outdoor recreation in Missouri. We are responsible for developing and maintaining the Statewide Comprehensive Outdoor Recreation Plan. This plan, commonly referred to as the "SCORP," establishes the framework for the management, protection and development of Missouri's outdoor recreation resources. The department also manages Missouri's 81 state parks and historic sites.

The Mark Twain National Forest provides a significant portion of the outdoor recreation opportunities in Missouri. The demand for dispersed outdoor recreation opportunities in natural areas, where the intrusion of man is less apparent, is going to continue to increase in the future. The adoption of this proposed national roadless area conservation initiative, which acknowledges the importance of preserving large, undisturbed landscapes, will go a long way toward ensuring



Mr. Michael P. Dombeck
Mr. Randy Moore
Page 2
July 17, 2000

19308

the preservation of vital areas of the nation's remaining forest reserves and toward ensuring that the opportunity for quality outdoor recreation experiences are present.

The proposed Roadless Area Conservation Initiative not only recognizes the value that such areas possess today, but it also recognizes the appreciation in value that these areas will experience in the future. The importance of these unroaded areas - both inventoried and uninventoried - and the importance of preserving their characteristics, warrants a high level of protection for future generations. Road construction is the one single type of activity that most directly threatens the remaining unroaded portions of our national forests. We believe that the proposed Roadless Area Conservation Initiative represents a major step forward in protecting and preserving our natural resources.

We believe that the DEIS thoroughly outlines and addresses all the necessary factors for substantiating the proposed Roadless Area Conservation rulemaking. These factors include protecting watersheds, water quality and aquatic habitat, preserving native plant and animal communities, ensuring the availability of a more primitive and challenging outdoor recreation experience and eliminating the future fragmentation of forest ecosystems that additional roadbuilding would produce. There are substantial economic considerations associated with the backlog of deferred maintenance that has accumulated on the 386,000 miles of existing classified roads within the National Forest System. We encourage the Forest Service to go forward with this initiative.

Prohibition Alternatives - Inventoried Roadless Areas

The remaining inventoried roadless areas within Missouri's Mark Twain National Forest are few, and they are relatively small in size. This fact only makes the value of these areas that much greater. It is for this reason that we support Alternative 2, the DEIS Preferred Alternative. The restrictions proposed in Alternative 2 would provide the best protection to this relatively small amount of valuable resource that remains in Missouri's Mark Twain National Forest.

It is our understanding that the proposed rule would only apply to the unroaded portions of four remaining inventoried roadless areas within the Mark Twain National Forest. These four RARE II inventoried areas are as follows:

- Anderson Mountain (2,622 acres) - Fredericktown District
- Spring Creek (4,750 acres) - Willow Springs District
- Swan Creek (6,945 acres) - Ava District
- Big Creek (8,850) - Ava District

Only a portion of the inventoried Big Creek area remains today in a roadless condition, because this area has been assigned a forest management plan prescription that provides for a roaded environment.

Mr. Michael P. Dombeck
Mr. Randy Moore
Page 3
July 17, 2000

19308

Procedural Alternatives - Uninventoried Roadless Areas

There is a small number of other unroaded areas that exist today in Missouri's Mark Twain National Forest that were not considered as part of the RARE II process. We recommend that the management of the Mark Twain National Forest continue to provide an equivalent level of protection to these remaining areas as that provided by Alternative 2 for inventoried roadless areas. We believe that the scarcity of these naturally appearing forests in Missouri warrants this level of protection in future land and resource management plans. These uninventoried, unroaded areas that currently exist within the Mark Twain National Forest are as follows:

- Lower Rock Creek Area (Fredericktown District)
- Van East Mountain (Fredericktown District)
- Smith Creek (Cedar Creek District)
- North Fork River Area (Willow Springs District)

It is understood that the proposed rule does not impact existing unroaded, uninventoried areas of the National Forest System. Nevertheless, it is the unroaded and more natural appearing landscapes that provide these areas their greatest appeal. The next iteration of the Mark Twain National Forest Land and Resource Management Plan should strive to maintain the integrity of these valuable resource areas. In this light, we recommend that the Mark Twain National Forest management plan strive to maintain the integrity of all unroaded areas, no matter how small in size, including those that are located adjacent to existing Wilderness Areas, equivalent National Park Service holdings and state park wild areas.

It is unfortunate that this initiative has been clouded by incorrect claims that existing forest system roads and trails will be closed as a result of adoption of this rule. We believe that the degree of contention that has been generated by the proposed Roadless Area Conservation rulemaking is only indicative of the increasing competition for land and water resources that exists today.

Aldo Leopold said in his A Sand County Almanac that "To build a road is so much simpler than to think of what the country really needs." We applaud the Forest Service for undertaking this initiative as this time.

Sincerely,

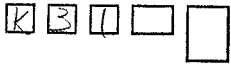
DEPARTMENT OF NATURAL RESOURCES

Stephen Mahfood
Director

SM:tlj

DENT COUNTY COMMISSION
400 N. MAIN ST.
SALEM, MO 65560
573-729-3044

10118



June 26, 2000

USDA Forest Service
Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

To Whom it May Concern:

We the Dent County Commission are opposed to the Roadless Area Conservation proposal.

It is our opinion that this proposal is just an attempt to keep more of the forest being utilized under the multiple use concept. By prohibiting new roads in certain area's of forest you will certainly decrease timber harvesting and mining. This will have a negative affect on the income from the forest that our county and local schools depend on. The forest is a renewable resource and should be used as such. These area's in our opinion will eventually be designated as wilderness.

Thanks for including our comments in your study.

James C. Biggs
James C. Biggs, Pres. Comm.

Bobby Simpson
Bobby Simpson, 1st Dist. Comm.

J.J. Turie
J.J. Turie, 2nd Dist. Comm.

CAET RECEIVED
JUN 28 2000

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E I I I B YES

Mr. Michael P. Dombeck
Chief
U.S. Forest Service
Department of Agriculture
4th Floor, Yates Building
201 14th Street SW
Washington, D.C. 20240

CAET RECEIVED
JUN 08 2000

Dear Mike:

I wanted to write to thank you and your agency for your efforts to date in gathering public input into the proposed roadless initiative. In Montana, you held nine public meetings around the state that were well attended, and generated numerous comments on the proposed scope of this initiative. It's my understanding that during the two months that you solicited input on the proposed scope of this proposal, you received over 500,000 comments throughout the country. This volume alone is a testament to the importance of this project, and the public interest in the task that you are undertaking.

As you know, I believe it is vitally important that the public be thoroughly involved in this process, and that the Forest Service listen to and respond to that input. In the end, the success of this initiative will turn largely on whether the Forest Service has fully engaged the public, and based its final decision on both the will of the people and on sound science.

Toward that end, it would be helpful for me and people in Montana if you could clarify the process that you will follow as you continue to review this proposal. Some individuals, including some public officials, have recently asserted that the Forest Service has completed the public involvement phase of this project. Those same people have argued that since the Forest Service has not been able to provide a detailed analysis of the scope of the roadless initiative, the public has not had a meaningful opportunity to participate in this process.

of proposals. It is my understanding that the Forest Service is actually at the front end of a process during which additional information on this proposal will be compiled and released to the public; and during which time the public will have additional opportunities to review this information and help shape the final outcome.

In an effort to clear up any confusion that may exist, please specify for me the process that you will follow for the duration of this review process. Specifically, please detail the opportunities that the public will have to review more detailed information regarding this proposal, and the opportunities that the public will have to comment on this proposal.

Also, if you are not already planning on doing so, please plan on holding additional public meetings in Montana and in other states that contain roadless lands so that local citizens will have ample opportunities to meet directly with Forest Service officials on this matter.

I appreciate your assistance and look forward to working with you and the public as we continue to evaluate this proposal.

With best personal regards, I am

Sincerely,

Max Baucus

MSB/bk

Received in FS/CCU
Initial: KH
Control No: 4149783

BILLINGS (406) 657-6750

BOZEMAN (406) 586-6104

BUTTE (406) 782-8700

GREAT FALLS (406) 761-1574

HELENA (406) 449-5480

KALISPELL (406) 756-1150

MSSOULA (406) 329-3123

JUL. 17. 2000 11:38AM MT GOVERNORS OFFICE

NO. 992 P. 2/19

JUL. 17. 2000 11:38AM MT GOVERNORS OFFICE

NO. 992 P. 3/19

OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT
GOVERNORSTATE CAPITOL
HELENA, MONTANA 59620-0801

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Project Leader – USFS Roadless Areas Proposed Rule

The following are the State of Montana's comments on the United States Forest Service (USFS) Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

Our comments will address five main areas of concern: 1) the impact of designated "inventoried roadless" areas on the state's ability to acquire access and manage adjacent Montana School Trust Lands; 2) the cumulative impacts on Montana School Trust Lands of USFS "unroaded" acres that have the potential to be managed as "inventoried roadless" areas; 3) the inconsistencies between the current public involvement process and the recommendations found in the Committee of Scientists' report titled, *Sustaining the People's Lands*; 4) the potential impact of "inventoried roadless" areas to forest health and fire suppression capabilities; and 5) the impacts and benefits to managing Montana's fish, wildlife, and recreational resources. Prior to addressing these points, we want express concerns over broader issues.

Unfortunately, the DEIS is a top-down approach with insufficient consideration given to the larger and most important issue facing our national forest system, namely forest health.

An April 1999, General Accounting Office (GAO) report stated that many of the national forests in the interior West are increasingly threatened by the substantial possibility of large, catastrophic wildfires caused by the excessive accumulation of vegetation that forms

TELEPHONE: (406) 444-3111 FAX: (406) 444-5528

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fuels for such fires. The Forest Service has agreed to the findings of the GAO report which reveals that 39 million acres of national forests in the interior West are at a high risk of catastrophic fire. Yet, precious little has happened on the ground to address this crisis.

Our national forests need management, they need to be cared for, they need stewardship. This is precisely what we do on State forests in the state of Montana with great success. Like the Federal government, there is appropriate environmental analysis required under Montana law before management activities can occur. And yet, the Montana Department of Natural Resources and Conservation, based upon objective comparisons, out-performs the Forest Service in fulfilling virtually the same responsibilities. A report by the Political Economic Research Center states, "A study by Don Leal (1995) shows that state timber land managers generate greater receipts at lower costs than federal timber managers while being more environmentally sensitive."

Just as importantly, massive fires can have exceptionally negative impacts on wildlife habitat and fisheries. As well, with extraordinary forest fire activities, air and water quality will suffer through smoke, soot and soil erosion.

Paranetically it is important to note that if federal laws are precluding our national forests from being managed appropriately, then we, collectively, need to address those laws and make the revisions necessary to fulfill our stewardship responsibilities.

Some of my western colleagues and I have urged the Administration, on numerous occasions to ensure the formulation and analysis of alternatives in this EIS are not limited to only one aspect of forest and watershed health, namely roadlessness. Instead, we strongly believe that there are additional issues profoundly influencing forest health and the sustainability of our communities that must be analyzed simultaneously. The issue of roadless areas, although clearly important, is only one aspect of the larger issues of forest health and watershed health, and any realistic examination of that issue must also inescapably consider the larger picture.

Clearly, roadless areas in our national forests can provide significant benefits for both fish and wildlife and for a variety of recreational opportunities. This is particularly important for native species, which have declined within their ranges in comparison to their historical numbers.

Species currently listed as threatened include the grizzly bear, lynx, and bull trout. Larger blocks of roadless areas clearly can provide secure more habitat and typically higher water quality for these species, as well as create a refuge from which they can colonize into other areas more acceptable from their habitation.

Additionally, roadless areas provide security for game species such as elk, mule deer and mountain lions. The Montana Department of Fish, Wildlife and Parks (FWP) Commission

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policy calls for FWP to promote maintenance of key unroaded areas that provide important elk security and offer back country or roadless area recreation. Such security allows for maintaining more days afield for hunters while maintaining a greater age diversity of the game species for both ecological and quality of experience benefits. Roadless areas can also be important for elk calving grounds and winter ranges. Loss of elk security has also resulted in dispersal of elk on private property causing conflicts with agriculture producers.

Roadless areas can also be important in maintaining watershed values. Species like bull trout and cutthroat trout are particularly sensitive to changes in sediment levels, temperature and stream flows, which affect water quality. Maintenance of key roadless areas can help conserve these native species, promote the recovery of listed species and prevent other species from being listed.

However, the top-down approach prescribed in this DEIS leaves little room for thoughtful consideration of how to address with equal force the important issues of forest health, wildlife and fisheries habitat, and the economic stability of western communities all of which are inextricably interwoven.

Montana School Trust Lands

The Montana Department of Natural Resources and Conservation (DNRC) is the Montana state agency mandated to manage approximately 5.2 million surface acres of school trust lands to generate revenue for trust beneficiaries, namely Montana's schools and students. The primary land management emphasis for the 620,000 acres of forested lands is timber management in a manner consistent with biodiversity imperatives mandated by our State Forest Land Management Plan. In managing these state lands, and because of land ownership patterns, DNRC frequently cooperates and coordinates with the Forest Service and other federal agencies involving a variety of management activities including wildfire protection, access issues, cooperative policies, and training programs. Continuing to maintain cooperation with the Forest Service on road management issues is of essential importance to the State of Montana in order to access timber lands, achieve protection of federally listed threatened and endangered species, sensitive species, and to maintain recreational opportunities and water quality.

DNRC has identified and mapped all school trust lands that are contiguous to Forest Service lands that are inventoried Roadless areas where the Forest Service presumably will not allow road construction or road reconstruction, roadless lands, and those lands that are recommended for wilderness designation. This information was developed through use of GIS ownership information overlaid on the USFS IRA GIS maps, which was then visually reviewed for accuracy. This process identified approximately 20,961 acres of forested trust lands with about 98,634 MBF standing volume, worth approximately

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\$18,160,000 that would be impacted in some way by the Roadless Area Proposed Action (see attached map). The majority of these acres are located in Southwest Montana (~9,500 acres), followed by Northwest Montana (~8,000 acres), and Southeastern Montana (~3,500 acres).

While only two and 1/16 sections (14N, 22W, S16; 22N, 29W, S36; and 22N, 29W, S16) or about 1,320 acres have been identified as very likely to be inaccessible due to the being completely surrounded by roadless designations, the additional 19,680 acres of school trust lands are directly contiguous to proposed inventoried roadless areas (IRA). If the Forest Service adopts the preferred alternative, this close proximity to roadless areas will likely bring about public and political expectations for how those adjacent school trust lands should or should not be managed. While we do not have costs calculated for the additional public process and mitigation that would likely be required to manage these adjacent school trust lands, I surmise that they could pose a significant burden to the trust beneficiaries.

The DEIS states that "non-federal partial interests in lands include rights granted pursuant to a reserved or outstanding right or as provided in statute or treaty and then references the federal Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The DEIS also states that "ANILCA ensures access to private land in-holdings. Landowner access need not be the most direct, economical, or convenient route for the landowner." However, the DEIS does not specifically reference the unique nature of state school trust lands, nor does the document explain how access to state lands will be treated under this nation-wide project. In fact, in the 300 plus page DEIS "school lands" are not mentioned once, even though it was the primary concern and impetus for Montana's participation as amicus in the case of *Idaho v. USFS*. Currently, the State of Montana is experiencing substantial problems and delays in obtaining access to State school trust lands over Forest Service lands, despite ANILCA.

Also, it is worth mentioning that utilizing private property to access state lands may not always be a possibility or the most environmentally sound access route.

Cumulative Impacts of the National Road Management Strategy

We have concern over the impacts of additional "unroaded" areas as defined in the National Forest System Road Management Strategy which were not fully analyzed as part of the DEIS.

Forest Service Manual (FSM) 7710 -- Transportation Atlas, Records, and Analysis -- Federal Register, Vol. 65, No. 43, Friday, March 3, 2000, Notices, page 11691, Item 2(a)(2 & 3) defines "unroaded" areas. In accordance with the proposed revision:

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"Unroaded portions of roadless areas identified in existing land and resource management plans that lie one-quarter mile or more beyond any existing classified road, and"

"Unroaded areas of more than 1,000 acres that are contiguous to remaining unroaded portions of RARE II inventoried roadless areas or contiguous to areas inventoried in land and resource management plans, contiguous to congressionally designated wilderness areas or Federally-administered components of National Wild and Scenic River System classified as Wild, or contiguous to unroaded areas of 5,000 acres or more on other Federal lands. These areas of 1,000 acres or more must have a common boundary of considerable length, at least one-quarter mile width, and provide important corridors for wildlife movement or extend a unique ecological value of the established inventoried area. ...Road construction in roadless and "unroaded" areas and generally reconstruction in those areas will constitute a significant environmental effect...and will require the preparation of an environmental impact statement."

Page 2-2 of the Roadless Area Conservation DEIS defines "unroaded" areas as "areas without the presence of classified roads, which are of a size and configuration sufficient to protect the inherent characteristics associated with their unroaded condition. These areas have not been inventoried and are therefore separate from inventoried roadless areas." (emphasis added.)

Table 3-1 on page 3-3 identifies 5.827 million acres of inventoried roadless areas in Montana. The cumulative impact of the additional "unroaded" acres, which (in accordance with Federal Register, Vol. 65, No. 43, Friday, March 3, 2000, Notices, page 11691, Item 2(a)) would require "a *compelling need* to propose construction/ reconstruction of roads in the following roadless and 'unroaded' areas," was never analyzed nor even identified.

By applying the definition of "unroaded", as defined in the Road Management Strategy, DNRC calculated that an *additional 124,217* acres of USFS forest land in Northwest Montana alone (Kootenai, Flathead, and part of the Lolo N.F.) would qualify as "unroaded," and therefore be subject to the same management restrictions as inventoried roadless areas. Our analysis does not include the additional "unroaded" acres that will be managed as roadless in the other National Forests in Montana due to the short time period for comment.

An *additional 20,442* acres of Montana School Trust Lands containing 150,000 MBF of volume standing timber valued at \$29,237,733 would be impacted in Northwest Montana by "unroaded" areas in the manner previously described.

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We were unable to conduct this "unroaded" analysis for the entire state due to the lack of information provided and the abbreviated comment period. However, with the information we have compiled to date for this one area of Montana, the total effect of adding "other unroaded areas" more than doubles the impact on Montana State trust lands, increasing total acres impacted from 20,961 to 41,403 with a standing volume of 248,525 MBF, valued at \$47,397,698 for our school trust.

The Forest Service has three ongoing rule proposals, ICBEMP, the Road Management Strategy and the Roadless Area proposal, which are all 'related' proposed rules, regarding roads and "unroaded" areas. Without one comprehensive document the three related, but separate proposals, confound the public's understanding of the overall effects on forest management. Under prevailing case law and the National Environmental Policy Act, separate policies in this situation are a facial violation of the intent and scope of the law. Thus, if the Forest Service continues with these proposals, the Service should write an overarching EIS addressing and harmonizing all three proposals.

To add to the level of misunderstanding, the Forest Service is also using three differing definitions of "unroaded" within the three rule proposals. The definitions provided in the Roadless EIS and the Road EA each differ and vary from the overarching Forest Service Manual definition. We question whether all of these "unroaded" areas, depending on the definition, will eventually be considered in the Roadless proposal. Under the rule proposals of ICBEMP and the Road EA, additional lands will be ruled "unroaded" and roadless in the future, thus drastically increasing the amount of lands that are presently not considered under the Roadless proposal. The Forest Service apparently recognizes this effect, as it understands generally that the three proposals are "closely related".

Each of the ongoing three proposals individually impact national forest road construction, road repair and road decommissioning, along with protecting unroaded and roadless areas. However, the cumulative effects and synergy of all three proposals together is obvious from their elements of timing, scope of regions and overlap. We are concerned that the segmentation of each proposal limits the overall analysis of the environmental and economic effects on the forests' health and long-term planning. The segmentation of three 'related' proposals is contrary to NEPA requirements and we believe that the Forest Service must perform an overall analysis and EIS that addresses the cumulative road management impacts from all three considered actions under NEPA.

The illustration of segmentation is described as follows: "scattered bits of a broken chain, some segments of which contain numerous links, while others have only one or two. Each segment stands alone, but each link within each segment does not." See Sylvester v. U.S. Army Corps of Engineers, 884 F.2d 394 (9th Cir. 1989). The comprehensive impact of all three Federal actions requires an EIS be prepared to address the "unroaded" lands added

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to the Roadless proposal from the two other Forest Service rule proposals.

The Supreme Court has held that section 102(2)(c) of NEPA, may require a comprehensive impact statement in certain situations where several proposed actions are pending at the same time. Kleppe v. Sierra Club, 427 U.S. 390 (1976). Congress intended this to be an "action forcing" provision serving as a directive to agencies "to assure consideration of the environmental impact of actions in decision-making." *Id.* at 409. "When several proposals for related actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together. Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action." *Id.* at 410. As Chief Dornbeck has noted, the proposals in question are interrelated, there "will be some overlap as we pursue these two separate but closely related actions." Testimony of Michael P. Dornbeck before the Subcommittee on Forests and Public Lands Management, Committee on Energy and Natural Resources, United States Senate, November 2, 1999. All three proposals will affect to some extent "unroaded" areas, and geographically the areas are overlapping or identical in part.

After Kleppe, the CEQ issued regulations to define when a multitude of connected actions should be considered under one EIS. See Thomas v. Peterson, 753 F.2d 754, 758 (9th Cir. 1985). Under 40 C.F.R. 1508.25, connected, cumulative and similar actions trigger an EIS over all such actions. The regulation points out the following:

(a) Actions (other than unconnected single actions) that may be (1) Connected actions, which mean they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) automatically trigger other actions... (ii) cannot proceed unless other actions are taken ... (iii) are interdependent parts of a larger action and depend on the larger action for justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as time or geography.

NEPA requires under 40 C.F.R. 1508.25(a), that agencies consolidate the analysis of interdependent, cumulative actions in a single EIS. It is clear that if the Service continues with these proposals, the lands affected under ICBEMP, the Roadless and Road Management proposals will be focused upon and will impact identical regions in Montana. Therefore, the proposals are so closely tied together that one document is required under NEPA to avoid isolated consideration of the cumulative effect of the 'similar actions' in time and geography of the roadless and road management proposals. The two prongs of

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cumulative actions and similar actions are met by the Roadless and Road Management proposals, and to a lesser degree the ICBEMP proposal with foreseeable impacts in geography and time.

The Road Management proposal's action is cumulative in conjunction with the Roadless proposal, as additional "unroaded" lands will be added to the Roadless proposal before the Roadless FEIS is completed. As acknowledged earlier, under the current Roads Strategy EA this will increase the total School Trust acres impacted from 20,961 to 41,403 in Northwestern Montana; clearly, a significant cumulative impact that should be discussed in the same impact statement. Additionally, the road management proposal is an action similar to the Roadless proposal as both are currently on similar timetables, with both expected to be done by next fall and covering the same general geography.

Under NEPA at 40 C.F.R. 1502.4(b), EIS preparation should include "statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decision making . . . including actions in the same general region geographically and with relevant similarities of timing, impacts and methods of implementation generically." As already discussed, the Forest Service as an agency is planning a policy of "unroaded" lands in three proposals that are on-similar time lines, impact similar roads and "unroaded" lands (creating more "unroaded" lands in all three proposals through decommissioning) and in the same general region. The Forest Service's approach of "merely announcing" impacts to the roadless proposal from the other proposals does nothing to address the inter-regional cumulative impacts as is required by law. See Natural Resources Defense Council, Inc. v. Hodel, 865 F.2d 288, 299 (D.C. Cir. 1988). The Road Management Strategy's EA on page 5 states, "the effects of the road management strategy on roadless or other unroaded areas would be short term; long-term effects of additional projections in roadless and often unroaded areas will be addressed with EIS for the proposed Roadless Area Protection Rule."

We question whether the DEIS is addressing "unroaded" areas discussed in the Roads EA. Rather, the Forest Service has failed to indicate it will include these decommissioned roaded areas in the EIS, while in reality the areas may likely be incorporated in the FEIS, without comment or overall impact analysis. The synergistic relationship between the Road Management Strategy and Roadless proposal is facially obvious from the Roads' EA background, purpose and need sections as quoted above.

Finally, the argument that all three proposals are completely independent fails. This is due to the fact that the Forest Service must look at both connected and unrelated, but reasonably foreseeable, future actions which may result in the cumulative impact of creating more roadless lands, not described in the current DEIS Roadless proposal. See Save the Yaak Committee v. Block, 840 F.2d 714 (9th Cir. 1988). In fact, the Road

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Management Strategy EA acknowledges on page 1 that the roadless initiative and other proposed rules "although released separately, all of them are in some way directly or indirectly related to each other and to this proposed road management strategy." As evidence that the actions will have foreseeable future cumulative impacts, the EA continues on page 1, "Because of the release of these other proposed and final policy changes, the need and scope of the road management strategy is not more narrowly focused than the Forest Service's original proposal . . . for roadless, and unroaded areas, the strategy is in effect only until the Roadless Area Protection Rule is issued and forest plans are revised." How is the argument feasible that the Road Management Strategy is not dependent on the Roadless policy, after reading the Forest Service's statements in the EA?

The Road Management Strategy, ICBEMP and the Roadless proposal are links in the Forest Service's policy to decommission roads, and create and sustain more roadless areas. These links rely on one another as stated in the EA and by the Forest Service's admission of 'related' proposals. One EIS is required under the law and NEPA to provide the public a meaningful and thoughtful opportunity to comment on the environmental impacts of such 'related' proposals and their cumulative impacts.

NEPA regulations (40 CFR 1508.25) require the analysis of connected and cumulative actions. However, while referenced in the DEIS, it is not apparent that the cumulative or connected impacts of the Road Management Strategy were analyzed when conducting the effects analysis. This would lead us to question whether the economic and social effects of the proposed action in the DEIS (pp. 3-184 through 3-222) were underestimated and not adequately portrayed.

The DEIS only explains that in addition to the proposed Roadless Area Conservation Rule, two related rulemaking efforts "seek to provide for long-term environmental sustainability, ensure collaboration with the public, integrate science into the process and incorporate new information opportunities. Recognition that all three "rules might have a cumulative impact on final form" does not specify the effects nor address the additional "unroaded" areas included in the FEIS.

Given this lack of appropriate analysis, we request that the Forest Service supplement the DEIS with the cumulative effects of the additional "unroaded" areas in Montana and elsewhere in the United States that are prescribed in the Road Management Strategy EA and mentioned on page 2-2 in the DEIS.

Inadequate Public Involvement Strategy

We are extremely disappointed in the public involvement strategy that was utilized to

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conduct this EIS process. We continue to believe that the Forest Service should have responded positively to requests of Montana and other states for cooperating agency status under NEPA. Montana has yet to receive a formal response to our request to be designated a cooperating agency. In addition, the DEIS does not even acknowledge that these requests were made.

Montana provided formal comments to the notice of intent on December 20, 1999. Within those scoping comments, I formally requested that the Forest Service designate Montana as a cooperating agency under NEPA and 40 C.F.R., 1500-1508. After careful consideration, we believed that it was vitally important to the resources within Montana and our communities that we assume that role. We continue to subscribe to that view.

Montana is not being presumptive in that regard. A memorandum dated July 28, 1999, to the directors of federal agencies from George Frampton, Chairman of the President's Council on Environmental Quality, states:

"The purpose of this Memorandum is to urge agencies to more actively solicit in the future the participation of state, tribal and local governments as 'cooperating agencies' in implementing the environmental impact statement process under the National Environmental Policy Act (NEPA), 40 C.F.R., 1508.5. As soon as practicable, but no later than the scoping process, federal agency officials should identify state, tribal and local government agencies which have jurisdiction by law or special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires the preparation of an environmental impact statement."

The memorandum closes by stating,

"Considering NEPA's mandate and the authority granted in federal regulation to allow for cooperating agency status for state, tribal and local agencies, cooperating status for appropriate non-federal agencies should be routinely solicited."

While Montana has not been solicited to serve as a cooperating agency, nor has its request to be a cooperating agency been approved, denied, or even addressed, it continues to be important and appropriate for Montana to assume this important role.

Within information on the Forest Service website at the time of the scoping process regarding why the agency was undertaking this EIS process it states that, "There is strong public sentiment for protecting the benefits of these areas, such as clean water, biological diversity, wildlife habitat, and dispersed recreation." If these are the areas upon which the document is to focus, which clearly they are, then Montana has at least shared legal authority over most if not all of these issues.

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States have concurrent jurisdiction over many issues, and primacy over many others that are inextricably interwoven into and incapable of separation from any realistic examination of the roadless area issue.

The federal government, through the U.S. Environmental Protection Agency, has delegated authority to the Montana Department of Environmental Quality for enforcement of the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act.

With regard to fish and wildlife, states in our union are the managers of these species, unless they are listed under the federal Endangered Species Act or inhabit specific federal lands, like national parks and national wildlife refuges. Montana manages fish and wildlife on Forest Service lands.

In other publications by the Forest Service at the time of scoping, invasive species, recreation, fire and economic issues were mentioned. These issues are discussed within the EIS. Because Montana state government has been working with our federal counterparts and counties on weed control and other invasive species issues, like non-native fish, coordination under this EIS would appear to be vital.

Also, the Montana Department of Fish, Wildlife and Parks works with local Forest Service officials on recreation management plans and allocates financial and staff resources to the Forest Service in this regard.

In addition, we have a cooperative approach with the Forest Service, Bureau of Land Management and the Montana Department of Natural Resources and Conservation in coordinating fire suppression and related activities. Management decisions on federal lands may impact state and private lands within Montana as well.

Last, with regard to possible economic impacts that various alternatives could have on local communities, we are in a position to provide information concerning labor, wage, and taxation statistics or other relevant analysis to help decision makers within the Forest Service.

We fully recognize that cooperating agency status does not give Montana any decision making authority under this EIS. However, if it is truly the intent of the Forest Service to include state and local governments in the process of environmental analysis, which is the goal clearly articulated in the CEQ memorandum, NEPA and the CFR, then cooperating agency status should be granted to Montana and any other state requesting such status.

At the end of February, some of my western colleagues and I had an opportunity to meet with George Frampton, Undersecretary Jim Lyons and Chief Mike Dombeck. During this meeting, the Administration's officials expressed their belief that if cooperating agency status was granted it would greatly increase the workload for the Forest Service. As many

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of my colleagues and I have stated, we do not believe that the convenience of the Forest Service is a substitute for appropriate NEPA review and analysis.

As a result of this meeting, western governors received a written response from Undersecretary Lyons and Chief Dombeck. The letter outlines an informal process in which the federal agencies may consider information from states, yet the letter does not address the issue of cooperating agency status.

We have had substantial reservations about this initiative from the beginning. In our view, the Notice of Intent (NOI) published in the fall of 1999, did not contain information describing which roadless areas were being considered and therefore, states could not fully evaluate the NOI nor participate in a meaningful way in the abbreviated scoping process. As an example, at the time of the scoping process we could not fully determine what parcels of state lands could be affected. To date not all the affected lands have been identified due to incomplete information in the DEIS.

As a result of concerns with the scoping process, the State of Idaho filed a lawsuit against the U.S. Forest Service focused upon the NOI to prepare an environmental impact statement. On February 7, 2000, Montana joined that lawsuit by filing an amicus brief in support of Idaho's lawsuit.

The U. S. District Court for the District of Idaho found that there has been "no final agency action" and therefore the Court did not have jurisdiction over the state's claims. The Court, however, said, "*When areas contemplated to be roadless are not defined or shown by way of maps or otherwise illustrated, one does not have to be learned in the law to determine the public's participation will hardly be 'meaningful.'* The State's concern over access to and management of its endowment and state forest lands that may be surrounded by national forest land are legitimate concerns of state and local governments and its citizens."

The Court continued by stating, "*The sheer magnitude of this governmental action involving 40 to 60 million acres nationwide that precipitated 500,000 comments in 60 days is the best evidence the Forest Service should proceed with caution. Time is not of the essence on an issue that has been studied for over 30 years.*"

Reference to this litigation is made with the hope that the Forest Service and the Administration will carefully consider the Court's statements regarding 'meaningful' participation.

The way in which this initiative has unfolded gives me great pause. Page 1-5 of the DEIS states, "It became clear that local planning efforts might not adequately recognize the national significance of roadless areas and the values that they represent..." This ignores the recommendations of the Committee of Scientists, appointed by the Secretary of

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Agriculture, that are outlined in the report titled, *Sustaining the People's Land* (1999).

Dr. Julia Wondolleck, the public participation and dispute resolution expert on the Committee of Scientists, emphasized the role of collaboration in designing public participation strategies throughout the Committee's report. Page 121 of the report states:

"...this approach [collaborative-planning] moves well beyond the notions of public participation as simply distinct stages in an otherwise technical process. It also moves beyond an expert-driven model of planning wherein narrowly focused analysis considers a range of alternatives all within a single-agency context. ...collaborative planning requires a more complex model of both democratic processes and scientific engagement than past planning efforts."

Page 131 of the report goes on to state:

"Our proposed collaborative-planning process rests on strong principles of democratic participation in planning and decision making. Public deliberation is a concept that expresses the democratic ideal of self-governance. In a collaborative-planning process, participants include: other agencies, other governments, tribes, interested organizations, communities and citizens. ...A collaborative-planning process rests on continuous, open participation by all stakeholders, interested parties, and the public. Simply providing issues for consideration or comments on proposals is *nowhere* near sufficient for a collaborative-planning process."

Several other authors (Wondolleck 1985, 1988; GAO 1997; Blahna and Yonts-Shepard 1989; Moote and McClaran (1997); and Kessler et al. 1992) have documented the inadequacies and shortcomings of the current public involvement and decision-making framework utilized by the Forest Service and other governmental agencies, and cite the lack of public involvement during the mid-level planning period (alternative development stage) of the environmental impact statement (EIS) process as a main problem.

According to Wondolleck (1988), the decision-making process is extremely politicized and is inadequate in addressing the concerns of conflicting interest groups. Wondolleck (1988:107) states, "...no mechanism is available to resolve disputes; no process exists to accommodate the interests at stake." Wondolleck (1985:342) further argues, "The first question that any decision makers should ask themselves when confronting a complex situation is not what is the proper allocation of resources in this situation or what should we decide? But instead, *how* should we make such a complex, difficult and controversial decision?" The General Accounting Office (1997:45) pointed out that, "The public has expressed its desire to become more involved in the Forest Service's decision-making and has demonstrated its preference for presenting its concerns, positions, and supporting

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documentation during, rather than after the agency's development of proposed forest plans and projects." Kessler et al. (1992:223) observed that, "Current conflicts in national forest and grassland management show that the prevailing version of multiple-use management does not adequately involve people in the decisions that affect them."

The lack of public involvement in the forest planning process has led directly to appeals and litigation, which have caused gridlock with regard to the Forest Service and other agencies being able to meet their management objectives (Wondolleck 1988; GAO 1997). As stated in a recent GAO (1997:59) report, "The Forest Service is increasingly unable to avoid, resolve, or mitigate conflicts among competing uses on national forests by separating them among areas and over time." GAO (1997) has attributed the gridlock in the decision-making process to increased legislation that emphasizes sustaining wildlife and fish, juxtaposed against legislative incentives emphasizing timber harvest. Wondolleck (1988:70-71), however, finds three main reasons why the decision-making process fails to address concerns of competing interests: 1) the process is not sufficiently informative or convincing – information and data analyses rarely indicate one correct choice; 2) the process is divisive – it encourages adversarial behavior by different groups; and 3) the process is not decisive – the decision made by the Forest Service rarely ends the controversy.

On the other hand, collaboration allows competing stakeholders to work together at finding creative solutions to problems that previously may have been unsolvable. Use of effective collaborative processes has the ability to minimize or eliminate charged disputes caused by changing legal, economic, or ecological boundaries (The Keystone Center 1996). The belief is that stakeholders have more time and interest vested in solutions that they create; therefore, they are less likely to appeal the outcome of a collaborative-based decision (Wondolleck 1996, Daniels et al. 1994).

Consensus-building efforts require informal face-to-face interaction of stakeholders, or their chosen representatives, who seek win-win solutions, often with the assistance of a facilitator (Susskind and Cruikshank 1987). Susskind and Cruikshank (1987:13) believe that collaboration may be the only way to address the inadequacies of the current federal decision-making framework.

On a related note, the DEIS specifically prohibits exemptions or exclusions of specific areas which were requested during the scoping process. The reason stated is that it would be a "unmanageable" due to the large number of requests during scoping. How can Federal agency decision makers and the public know the impacts of such the alternatives when they have not been compiled or disclosed. An example is the Treasure Mountain Ski Area which is proposed on the Kootenai National Forest. This project has received a federal grant from the Economic Development Administration but is now in jeopardy due

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to the roadless initiative.

Given the widespread availability of this public involvement literature, as well as the recommendations from the Committee of Scientists, it is remarkable that the Forest Service would not employ the public involvement concepts associated with collaborative planning and public deliberation.

Forest Health and Fire Protection

As referenced earlier, an April 1999 General Accounting Office (GAO) report states that many of the national forests in the interior West are increasingly threatened by large, catastrophic wildfires caused by the excessive accumulation of vegetation that forms fuels for such fires. The Forest Service has agreed to the findings of the GAO report, which reveals that 39 million acres of national forests in the interior West are at a high risk of catastrophic fire. As earlier comments pointed out our concerns with this Roadless EIS are that forest health is not considered and that in fact this plan would decrease the State of Montana's ability to defend our citizens and communities from wildfires. Our ability to suppress these wildfires is hampered by the proposed Roadless DEIS.

Currently, our state wildfire suppression tactics are geared primarily toward an engine response method of operation for most initial attacks in both direct protection and within the state/county cooperative program. Needless to say, this requires that our firefighters be able to respond to fires utilizing an extensive network of roads. We do supplement our engine response resources with helicopters where access is limited or a quicker response is required, due to specific conditions that may exist, such as the lack of roads, extreme fire danger, or high value resources being threatened. The use of engines is usually much more economical than helicopters, but we are still able to meet our requirement that we keep 95 percent of our fires under 10 acres in size. The reduction in the available or existing road network in our response area would require us to consider increasing our use of helicopters for an exclusive aerial response in roadless areas. This would substantially increase our initial attack costs because of the need to increase the use of helicopters, which are approximately four times as expensive to operate as an engine. Our helicopters are currently utilized to ferry crews and water to attack a fire. Under this proposed action within the EIS, due to the reduced options, consideration would have to be given to developing a rappel program to protect an increase in roadless areas. The rappel program would come at an additional cost and place firefighters within close proximity of a fire without landing. Our existing helitack system requires the helicopter to find a safe landing area that may be some distance from the actual fire.

There is the possibility we might be increasing our use of other aerial delivered resources if roadless areas are increased. We may need to utilize increased amounts of aerial delivered retardant to slow the spread of a fire until we could get ground crews to the fire

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or we may increase the use of smoke jumpers from the Forest Service. The cost of using either aerial delivered retardant or smoke jumpers goes up significantly over our current use of engines as our primary initial attack response.

The bottom line is that we would either have to adopt the use of higher cost initial attack resources to maintain our current response capabilities or inform landowners that resource losses may increase. Once again, we feel that the DEIS is deficient in addressing either of these concerns as they would affect both state and federal fire-fighting abilities.

Trails, Wildlife and Fishery

Roadless areas also provide areas to recreate by trail and off-trail users seeking experiences not associated with roads. The DEIS does not indicate how the decisions would or could impact the State's Trail Program, which allocates grants for trail-related maintenance and development. We ask that a coordinated State-Forest Service approach be emphasized in analyzing appropriate use of these funds in both roaded and roadless areas.

In addition to the earlier comments on roadless benefits to wildlife and fisheries, we would add that the ability to continue to manage habitat in roadless areas is important. Natural or prescribed fires or timber removal via helicopter or other non-roaded means can reduce the potential for catastrophic fire and provide protection for our watersheds.

We believe it is important to have a statement that clearly defines the states' role in wildlife management on Forest Service lands as it relates to roadless issue analysis. The statement should include the need for coordinated efforts in determining habitat needs for wildlife species. The DEIS mentions the relationship with the U.S. Fish and Wildlife Service, but does not address state coordination at a recognizable level.

Conclusion

Although we do recognize some of the benefits of the outlined goals associated with the Roadless Area Conservation DEIS, particularly to our water, fish, and wildlife resources, we feel that the Forest Service should slow this process down and more thoughtfully address the concerns identified in this letter including the ultimate goal of preserving forest health.

In particular, we recommend that the Forest Service conduct a Supplemental DEIS (as was done in the Interior Columbia Basin Ecosystem Management Project) to address the following: the cumulative impacts of the Road Management Strategy EA and ICBEMP EIS; the implications of the new Planning Regulations which emphasize the role for

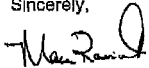
19289

July 17, 2000
Page 17

collaborative-planning; and the costs that inventoried roadless and unroaded areas pose to state trust lands and wildfire suppression. I strongly recommend that the Supplemental DEIS be conducted in a fashion that is consistent with the collaborative-planning principles outlined by the Committee of Scientists. This will ensure that "communities of place" will have an appropriate voice in the management of the National Forests in which they live, work, and recreate. A more balanced process that identifies opportunities for employment and recreation should be juxtaposed against concern for protection of resources. The focus of the Supplemental EIS should be more akin to the Interior Columbia River Basin EIS, which acknowledges the role of humans in the ecosystem and identifies opportunities for management as well as resource protection.

Thank you for your consideration and the opportunity to comment.

Sincerely,



MARC RACICOT
Governor

Enclosure

19289

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Page 18

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**Montana Fish,
Wildlife & Parks**

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Helena Area Resource Office
Montana Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

July 14, 2000

USDA Forest Service-CAET
Post Office Box 221090
Salt Lake City, Utah 84122

Attention: Roadless Areas Proposed Rule

PACK RECEIVED
JUL 17 2000

Dear Forest Service,

We appreciate the opportunity to comment on the Roadless Area Proposed Rule and the fact that you have undertaken this task.

The Montana Fish, Wildlife and Parks (MFWP) Department has, over the years, clearly and consistently supported maintenance of roadless areas to sustain healthy watersheds, fisheries and wildlife resources, as well as the intrinsic value of wild lands and the backcountry recreational opportunities they provide to hunters, anglers and outdoor enthusiasts.

We appreciate the opportunity that this Proposed Rule provides in aiding us in the stated Mission of MFWP to "...provide for the stewardship of the fish, wildlife, ... and recreational resources of Montana, while contributing to the quality of life for present and future generations." Several guiding principles have molded this Mission, and will be substantially aided if the Roadless Areas Proposed Rule (along with described modifications) is implemented, including:

- Maintaining the long-term viability of Montana's natural, cultural and recreational resources
- Helping MFWP serve as an advocate for responsible management and equitable allocation of public use of the limited resources that we are entrusted to manage.
- Promoting responsible management of fish and wildlife resources and the pride we take in Montana's hunting and angling heritage.
- The opportunity to strengthen working partnerships with other natural ... resource management agencies.

Montana Fish, Wildlife and Parks supports immediate application of Alternative D for inventoried roadless lands along with emphasis on immediate travel planning. Forest Travel Plans (that are congruent with Forest Plans) should be completed within 2 years.

MFWP - Helena Area Resource Office
July 14, 2000
Page Two

Roadless Areas Proposed Rule

The Proposed Rule would not require travel planning action for 8 to 10 years. This, we believe, is not in the best interest of the trust we administer as trustees of the public's natural resources. We laud the approach and efforts of the Helena National Forest (HNF) and hold it up as a model for national direction regarding travel management. As is done on the HNF, we recommend requirements to analyze the effects of each proposed project on conservation of roadless characteristics.

Two improvements in Part One of the proposed rule are essential. First, construction or reconstruction of off-road vehicle routes not expressly authorized in the forest plan should not be allowed. Second, roadless area trail construction and reconstruction should be limited to U.S. Forest Service pack and saddle standards (12-24 inch tread width) unless otherwise expressly authorized in the forest plan. Under no circumstances should vehicle routes "of any size" (as currently stated in the proposed rule) be constructed in inventoried roadless areas.

Not only does the Roadless Areas Proposed Rule promote our broad Vision for the Future, but the foundation issues of a variety of management plans that we have adopted would be promoted through adoption of Alternative D, modified as described above. The Montana Elk Plan (1992) repeatedly stresses the need for high quality habitat with adequate security. At the same time, the plan specifically addresses problems of unbalanced population composition as a result of inadequate security and calls for "road closures or other restrictions on motorized access." The state impact statement for black bears notes the need for controlling access on public land secondary roads as a means of influencing bear harvests and mitigating the effects of road construction, while mountain lion literature stresses the need for refugia.

We recommend reference to a document prepared by the Montana Chapter of The Wildlife Society entitled *Effects of Recreation on Rocky Mountain Wildlife: A Review for Montana* in the final analysis and decision regarding implementation of the Roadless Areas Proposed Rule.

Again, thank you for this opportunity to be involved in this very important process.

Sincerely,

Gayle Joslin
Wildlife Biologist
MFWP Trails Program
Internal Advisory Committee

Montana State Senate

13557

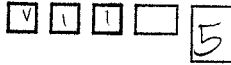
SENATOR WM. S. "BILL" CRISMORE

HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE: (406) 444-4800

HOME ADDRESS:
237 AIRFIELD ROAD
LIBBY, MONTANA 59923
PHONE: (406) 283-7405



The Big Sky Country



COMMITTEES:
BUSINESS & INDUSTRY
FISH & GAME
NATURAL RESOURCES, VICE-CHAIRMAN

CAET RECEIVED
MAY 10 3 2000

First, the roadless initiative is clearly an exercise in deception.

While the Forest Service publicly advocates that the DEIS is merely prohibiting certain uses in "inventoried roadless areas," they are cleverly disguising the fact that the adoption of the preferred procedural alternative will also be prohibiting usage within uninventoried roadless areas and other unroaded areas. Remarkably, this includes areas that are currently roaded.

These prohibitions are not fully outlined in the effects analysis on 3-223 of the DEIS.

Second, I support Alternative One of the prohibition alternatives – the No Action Alternative.

The Forest Service received thousands of comments and spent millions of dollars complying with the National Forest Management Act (NFMA), which requires individual national forests to develop forest plans that govern land management decisions.

It is now inappropriate and irresponsible to disregard those plans and permanently prohibit road construction in inventoried roadless areas as proposed in the proposed action & preferred alternative.

Third, I support Alternative "A" of the procedural alternatives – the No Action Alternative.

Sufficient procedure is already in place within the framework of NFMA and the Wilderness Act allowing national forest managers to protect roadless attributes when appropriately designated by forest plans.

It is now inappropriate and irresponsible to prescribe new implementation rules for forest plans as the proposed action and preferred alternative does.

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The details of these proposed rules are identified in the Federal Register, Volume 65, Number 43, pages 11676-11693. These proposed rules specifically prescribe the management of inventoried and uninventoried roadless and unroaded areas. Such rules will severely limit local forest supervisors in applying necessary resource management actions.

Lastly, as predicted, the cumulative effects analysis (3-240) is woefully inadequate.

Before a final EIS is issued, the cumulative effect of the proposed forest planning regulations, road management policy and roadless area conservation rule should be analyzed in further detail and, thereby, reveal to the American people what the cumulative impact of these major changes in policy truly is.

If this is not done, the final EIS will be little more than a cover up for a sham of a process.

Sincerely yours,

Senator William S. Crismore

Montana State Senate

18620



The Big Sky Country

SENATOR BOB DePRATU
DISTRICT 40

HELENA ADDRESS:
PO BOX 31
CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE: (406) 444-4800

HOME ADDRESS:
PO BOX 1217
WHITEFISH, MONTANA 59937
PHONE: (406) 862-2849

July 6, 2000



CAET RECEIVED
JUL 10 2000

COMMITTEES:
HEALTH & WELFARE
TAXATION
HIGHWAYS & TRANSPORTATION

I do not support the preferred alternative in the DEIS and Proposed Rule. Please withdraw the proposal.

Sincerely,

Bob DePratu
SD40

RLD/bbc

USDA Forest Service – CAET
P.O. Box 221090
ATT: Roadless Area Proposed Rule
Salt Lake City, UT 84122

To Whom It May Concern:

Our local communities need to be involved in deciding, in conjunction with the local US Forest Service, what is best for each geographic region.

Multiple use of our Forest is the only practical way to manage them. We agree that some areas should be roadless, however not approximately 43 million acres.

In our area, Flathead and Kootenai National Forest, the fuel build up from dead and dying timber is going to cause a catastrophic fire, within the next few years. All of this timber is going to waste, causing a tremendous loss of jobs.

We already have Forest Plans developed for each National Forest through local community involvement that addresses the management of all inventoried roadless areas. We do not want or need a top-down, one-size-fits-all national prescription from Washington, DC.

The preferred alternative will systematically eliminate most forest management activities, reduce or prevent developed and dispersed recreation, further jeopardize forest health hinder ecological restoration, and impair wildfire management efforts.

Montana State Senate

18628

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HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE: (406) 444-4800

HOME ADDRESS:
PO BOX 1
BELGRADE, MONTANA 59714-0001
E-MAIL: DonH SD16@aol.com



The Big Sky Country
SENATE MAJORITY WHIP
SENATOR DON HARGROVE

COMMITTEES:
STATE ADMINISTRATION, VICE-CHAIRMAN
LOCAL GOVERNMENT
PUBLIC HEALTH
RULES

CAET RECEIVED
JUL 10 2000



8 Jul '00

USDA Forest Service - CAET
Roadless Area Proposed Rule
Salt Lake City, Utah

It is difficult to find a real benefit to the proposed Initiative. The motives must ultimately be questioned.

We are trying to focus government on improving the business climate in Montana. Our economy has been focused on the resource extraction industries for many years. Those industries have been buffeted by economic problems, world market forces and environmental concerns with the result that Montana is at the bottom of the list of states on per capita earnings. We are positioned to change that through capitalizing on high tech industry opportunities. Such things will not happen overnight and an assault on the timber industry at this time without an apparent plan is an insult to our state. There is room for a reasonable analysis of usefulness of existing roads and lumbering processes. Forest lands are managed poorly and yet our federal government is also poised to acquire more public lands. Managing what already exist would be a better goal.

Finally, fewer roads only serve to deny access to 'public' lands for working Montanans and all young, old and handicapped citizens. Only those who have time to spend a week or two to travel, who have money to hire outfitters, or who have their own pack trains, equipment and outdoor skills can take advantage of 'roadless' areas. It is an elitist initiative that does not serve our administration well.

I hope we can back off and allow some objective analyses of management needs to benefit our country.

Don Hargrove
Senate District 16
Montana State Senate

mandate. One man's directive written into the Administrative Register and agency administrative rules, coupled by their expressed contempt for a segment of our society, should not be allowed to overturn Congressional authority.

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07/13/00 11:50 AM
Please respond to
A.citizen.for.preservin
g.our.roadless.heritage

To: <roadlessdeis@fs.fed.us>
cc:
Subject: Comment on roadless DEIS

F-29A

name: State Rep. Bob Raney
street: 212 South 6th Street
city: Livingston
state: Montana
zip: 59047
email: bobraney@mcn.net
Alternative_4: Send comment
Date: Thursday, July 13, 2000

My_comments

I support alternative 4, no new roads and no timber harvest. (Conservative use of taxpayer dollars all by itself says no more roads, let alone roads in the most pristine areas left in our nation. Save our headwaters and save our last bits of unroaded habitat. Please recognize the value of these areas to the west's new economy - the information market place. The movers and shakers and the workers in the new economy place great value on nature, wild lands and undeveloped places - just exactly what the unroaded lands are. Help us in the west retain our number one asset for joining the new economy - the great, natural outdoors.)



The Big Sky Country

13554

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BILL TASH
HOUSE DISTRICT 34

HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
45 VISTA DRIVE
DILLON, MONTANA 59725
(406) 683-4826

V I I [] 5

CAET RECEIVED
JUN 30 2000

June 42, 2000

To Whom it may concern:

I would like to once more go on record of strong opposition of President Clinton's executive order in regards to public land management without consideration given to state and local government's involvement.

Other stakeholders such as watershed groups, sportsmen groups, and elected local conservation board members have demonstrated a more effective and solution oriented approach to public land management in a cooperative, rather than a competitive way.

Allow the system to work as it should, from the ground up; instead of from the top down. We can't afford the "one size fits all"; especially when it is tailored by a few who perceive themselves to be "experts".

Sincerely;

Bill Tash HD 34 Beaverhead County

17297

BEAVERHEAD COUNTY COMMISSIONERS

2 South Pacific Street
Dillon, Montana 59725-2799
(406) 683-5245 FAX (406) 683-4787

K 3 1 [] []

July 17, 2000

USDA Forest Service - CAET
ATTN: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

SENT VIA TELEFAX Number 877-703-2494

Following are some of the questions and concerns that the Beaverhead County Commissioners have regarding your current draft roadless EIS. We believe that Beaverhead County has some very significant issues regarding this proposal, the first of which is the large number of acres inventoried roadless within the boundaries of our county. There are 1,370,363 total acres of USFS land in Beaverhead County, with approximately 1,000,000 acres inventoried roadless.

Rare II was a mapping exercise, and was not ground based in our County. We feel that a reconciliation between the two definitions needs to take place. Traditional travelways such as RS2477 roads were never considered under the RARE II process, and we now wonder how these travelways will be handled under your new roadless initiative.

Comment: Page 3-28-- The discussion on impaired watersheds does not indicate where they are located and their relationship to roadless areas (except for the very small scale map in Figure 3-13). It would be nice to understand the status of the watersheds in Beaverhead County, since water is one of our most valuable and often limited resources. Without this data, meaningful comment on this issue at this time is impossible.

Comment: Page 3-107, Cumulative Effects-- The cumulative effects discussion on Page 3-107 fails to address the potential impacts of catastrophic fires on public safety, property, and health (air quality). What are the potential effects on Beaverhead County for the need to increase training of fire personnel in wildland firefighting, procurement of specialized wildland firefighting equipment, and higher levels of disaster planning for communities.

Comment: Page 3-114, The discussion relating to Allowable Sale Quantity (ASQ) is a classic example of a double standard. Under the current forest planning regulations, ASQ's are set during the initial planning process and have been reduced significantly through national direction on clearcutting, ecosystem management, NW Forest Plan, and the Forest Service Natural Resource Agenda. A great amount of analysis was used to determine these harvest levels and required NEPA documentation. However, little to no NEPA analysis was used to evaluate the effects of reduced harvest levels due to national direction listed above. Consequently, the significant impact to Beaverhead County as a result of a "Recreation Management Test" conducted in 1992 and the continued emphasis placed on recreation in this county has never been addressed. In addition, the document fails to address the financial feasibility of helicopter or long cable yarding. To a novice reader the document sounds as though this will be an option. However cost and the limited range of these yarding systems tells me

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that there is a high probability that these harvests will never occur. What is the realistic effects of even less timber harvest on the Beaverhead portion of the forest?

Comment: Page 3-115, Alternative 2, 2nd paragraph-- This discussion states that the effects on the mix of stewardship and commodity purpose timber harvest is unknown. Why? With the resources the agency has to prepare this document, it's Natural Resource Agenda, and all the scientific knowledge it alleges to have, it is inconceivable that the agency cannot determine the effects on the environment, communities, social factors, and harvest levels. If the Forest Service cannot determine these effects it cannot make an informed decision of this magnitude and scope. Can you somehow disclose the mix of stewardship and commodity harvest? Our local communities and businesses cannot plan a future without knowledge of the effects that this Federal decision will have on them.

Comment: General-- Overall, the entire recreation section needs to be shored up by providing information and data on how many people use roaded areas, unroaded areas, and wilderness areas. Only then can the balance of supply and demand be determined. The assumption on Page 3-125, last paragraph, is that the balance of roaded and unroaded should be 49% and 51% respectively. This is very speculative and a conclusion that has no basis other than it supports the "Proposed Action". The question that must be answered is, "Will this proportion create a large recreation land base for a very small segment of the population?" And should Beaverhead County have to provide a disproportionate amount of this land base?

Comment: Page 3-117, first paragraph-- The first paragraph under Dispersed Activities is a distortion of past management. Unroaded areas were NOT viewed as banks for future resource development. Where is the evidence for this kind of statement? This statement is an insult to all the previous Forest Service employees and community leaders that had a strong commitment to manage and use forest resources in a wise manner and meet social demands during their watch. The statement that the "...remaining relatively undisturbed landscapes have developed increased value in comparison to other lands" is strictly a value judgement of the author and has no foundation. This type of thinking is the reason that local communities are frustrated with Federal management of the national forests. Statements, such as these, are so biased they need to be purged from the document completely.

Comment: Page 3-120, third paragraph-- This paragraph makes a statement that "Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas." The Forest Service has been collecting dispersed recreation data for decades--where are the references to the Recreation Information Management (RIM) report prepared annually? Where are the specific results as they pertain to the test conducted on the Beaverhead that de-emphasized timber and concentrated on recreation?

Comment: Page 3-166, last paragraph-- A significant flaw is displayed in this discussion. It states that "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (ROS) (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve such a large percentage 73% of our National Forest System Lands in Beaverhead County in a roadless character for the relatively small percent of the population that

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will use them?" What economic and social impacts will this have on our county? The Forest Service must address this question on proportion of users and amount of area needed for roadless recreation. It appears that a very large portion of the land base will be preserved for a very small number of users.

Comment: Page 3-173, second paragraph-- The revenues generated from hunting and fishing were disclosed in the Affected Environment section with no follow up analysis in the effects section. We have been told for years that hunting and fishing generated revenues are extremely important to our local economy. What are the financial contributions of roaded and unroaded hunting and fishing? How much does unroaded vs. roaded hunting and fishing contribute to our local economy?

Comment: Page 3-178, Alternatives-- This discussion needs to address the potential effects on the construction and maintenance of range improvements, such as stock water developments, fences, salting, vacant grazing allotments, etc. Furthermore, this section does not address the impacts of motorized use for managing livestock distribution. The decommissioning and obliteration of existing low impact roads will further limit current access for management of allotments. What are the effects of the alternatives on these activities?

Comment: Page 3-178, Alternatives-- Allotment management plans for each grazing allotment are approved using the NEPA process. In some cases decisions have been made that conflict with the proposed rule. For example, the allotment management plan might approve the use of an existing unclassified road. The Notice of Intent for this rule recognizes that these roads currently exist and are being used. Failure to effectively maintain and monitor these roads is a violation of the spirit and intent of NEPA and the terms of Forest Service issued grazing permits. Can you address and disclose the future disposition and use of these roads? Furthermore, any decisions regarding these unclassified roads must disclose the environmental and economic effects. We are concerned about the potential impacts that include increased costs of managing and administering grazing allotments.

Thank-you for your consideration of our concerns.

Sincerely,

Garth Haugland
Garth Haugland, Chairman

Donna J. Sevalstad

Donna J. Sevalstad, Member

Michael J. McGinley by *djp*

Michael J. McGinley, Member

Flathead County
Board of Commissioners
(406) 758-5503

43569

Howard W. Gipe
Robert W. Watne
Dale W. Williams

K 3 7 5



July 11, 2000

USDA Forest Service-CAET
P. O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

CAET RECEIVED
JUL 14 2000

Dear Forest Service:

Significant discussion has taken place regarding the Roadless Initiative in Flathead County. That discussion led the Flathead County Commissioners, as well as Lincoln and Sanders County Commissioners, to place an advisory ballot issue at our primary election to simply ask citizens of those counties whether in fact they supported this initiative. By an overwhelming majority, 81% of the citizens of these counties said NO.

In addition, the Commissioners of Flathead County have conducted an exhaustive review of the Forest Service Draft EIS and found many disturbing findings that indicate a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence are provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies above and in our attached review.

USDA Forest Service-CAET
RE: Roadless Area Conservation DEIS
July 11, 2000
Page Two

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2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

We also are requesting an extension of the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60-day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA

Robert W. Watne, Chairman

Howard W. Gipe, Member

Dale W. Williams, Member

FCBC:ecn

Enc: As stated

cc: Honorable Conrad Burns
Honorable Max Baucus
Governor Marc Racicot

The Flathead County Board of Commissioners attached a "Summary of Review Findings" which it shared with Sheridan County, Wyoming. The text of that summary is included in this volume under the Sheridan County entry.

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FILED

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USDA Forest Service-CAET
Attn: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED
JUN 28 2000

Dear Project Leader,

- Please extend the comment period by 120 days.
- The DEIS does not present an adequate range of alternatives. The agency should develop additional alternatives which allow road access for a full range of multiple uses, as well as for addressing forest health and fire emergencies. Otherwise, the no action alternative is the only acceptable option.
- This rule-making process is politically driven, and is not science-based. It blatantly circumvents both the forest planning process and the Wilderness Act. This Administration has repeatedly called for more local, collaborative decision making, yet this process did not involve local citizens, or even USFS employees at the ranger district level.
- Forest Service research indicates 65 million acres are at risk to catastrophic wildfire, insects and disease, and that many of those acres are in "roadless areas." Rather than implementing a scientific approach to managing these lands, the Agency proposes to deliberately prevent the stewardship necessary to protect them.
- Recreational opportunities will be severely diminished by this proposal, especially for elderly/disabled citizens. Numerous USFS reports show that "driving for pleasure" is the number one use of national forests, and that recreation is expected to increase in the future. How can people recreate without access?
- I am offended by the tenor and the obvious bias of p.3-190 in the DEIS, which grossly mischaracterizes rural communities, timber workers and local economies. There is no data whatsoever on which these sociological opinions have been based, they simply reflect assumptions and whimsical theories of a few fringe academicians.

Additional comments:
No More U.S.-B.S. This is Still
America This is Our Land Let Us Use
It.

Name: Bob WATNE (Chairman of Flathead County)
Commissioners

Address: 630 So Frys Lake Rd.
Buhl, Idaho 83426
2000



LEWIS AND CLARK COUNTY

REC'D LCNF JUN 26 2000

10109
City County Building
P.O. Box 1724
316 North Park
Helena, Montana 59624
Telephone 406/447-8304

10109

Board of County Commissioners

June 20, 2000

K 3 1 5

CAET RECEIVED
JUN 29 2000

Mr. Michael Dombeck
Chief of the Forest Service
USDA-Forest Service
Yates Building
14th and Independence Avenues, SW
Washington, D.C. 20024

Dear Chief Dombeck:

Lewis and Clark County is one of Montana's largest counties, spanning the Continental Divide with large roadless public land tracts on the Helena, Flathead and Lewis and Clark National Forests.

These public lands comprise the historic backcountry of Lewis and Clark County, traversed by forest trails and accessible from existing roads.

Since 1979, each successive county commission has recognized the vital importance of these roadless tracts and urged federal policy-makers to take the necessary steps to insure that they remain in a wild state.

Members of the Lewis and Clark County Board of Commissioners wish to go on record in support of the U.S. Forest Service proposal to keep roadless tracts intact.

The draft U.S. Forest Service Roadless Conservation Policy Initiative proposes to keep existing national forest roadless backcountry areas roadless. Other decisions are left to local forest officials, based on the attributes of specific sites and the views of the public. Existing roads and trails which provide important public and private access are unaffected by this policy.

National forests within Lewis and Clark County often have difficulty meeting financial obligations to maintain existing forest access roads, a responsibility shared with the county. Common sense suggests the agency should focus limited resources on properly maintaining already-existing roads, rather than expanding new road infrastructure into fragile wild lands that can be maintained with forest trails.

The highest and best public use of remaining roadless public lands within Lewis and Clark County is to manage for their traditional backcountry uses and values of clean water, fish and

wildlife habitats, grazing, and outdoor recreation. The proposed policy should encourage local forest officials to do so, in collaboration with county residents, elected officials and area businesses.

Roadless headwaters provide Lewis and Clark County residents with clean drinking water and clear mountain streams; vital for both municipal and irrigation water, as well as resident and downstream trout fisheries.

Roadless areas such as the Devil's Tower, Gates of the Mountains and Silver King-Falls Creek include nationally-significant historic and cultural resources, including Native American trails and routes followed by Captains Lewis and Clark nearly two hundred years ago.

Roadless public land areas provide county residents with hunting, fishing, camping, skiing, snowmobiling, forest trails, abundant wildlife, and a quality of outdoor life that is second to none.

Small, family-owned outfitting, guide and guest ranch businesses in Lewis and Clark County rely on roadless national forest backcountry areas such as the Renshaw, Benchmark, Silver King-Falls Creek, Upper Blackfoot and along the Continental Divide.

A recent published survey of Montana wild land outfitters operating on public lands and trails indicates these businesses generate \$107 million dollars per year in economic activity, sustaining 4,336 jobs. These businesses bring new sources of income year-round to rural and urban communities of Lewis and Clark County.

Please include these comments in the record and continue to keep Lewis and Clark County Commissioners informed as you develop the Roadless Areas Conservation Policy.

Sincerely,

Michael J. Griffith, Chairman

Karolin J. Boendorf, Member

Michael A. Murray, Member

cc: USDA-Forest Service, Roadless Areas Proposed Rule
P.O. Box 22190, Salt Lake City, Utah 84122
Regional Forester Dale Bosworth
Helena Forest Supervisor Tom Clifford, Lewis and Clark Forest
Supervisor Rick Prousa
Flathead National Forest Supervisor Kathy Barbeletos

Roadless Area Conservation
Volume 4 - Letters from Agencies and Elected Officials

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1 MR. GRIFFITH: Thank you, Tom, for
2 conducting this public hearing. My name is
3 Mike Griffith. I'm chairman of the Lewis and
4 Clark County Board of Commissioners. I
5 represent tonight the three county
6 commissioners of Lewis and Clark County. Tom,
7 I'm going to read a letter that was composed
8 and signed by all three county commissioners
9 today, and we have mailed this letter to Chief
10 Dombeck. The letter reads, "Dear Chief
11 Dombeck. Lewis and Clark County is one of
12 Montana's largest counties, spanning the
13 Continental Divide with large roadless public
14 land tracks on the Helena, Flathead, and Lewis
15 and Clark National Forests. These public
16 lands comprise the historic back country of
17 Lewis and Clark County, traversed by forest
18 trails and accessible from existing roads.
19 Since 1979 each successive county commission
20 has recognized the vital importance of these
21 robust tracks and have urged federal
22 policymakers to take the necessary steps to
23 insure that they remain in a wild state.
24 Members of the Lewis and Clark County Board of
25 Commissioners wish to go on record in support

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

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11,200

1 of the US Forest Service proposal to keep the
2 roadless tracks intact. The draft US Forest
3 Service Roadless Conservation Policy
4 Initiative proposes to keep existing National
5 Forest roadless backcountry areas roadless.
6 Other decisions are left to local forest
7 officials based on the attributes of specific
8 sites and the views of the public. Existing
9 roads and trails which provide important
10 public and private access are unaffected by
11 this policy. National Forests within Lewis
12 and Clark County often have difficulty meeting
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15 with the county. Commonsense suggests the
16 agency should focus limited resources on
17 property maintaining already existing roads
18 rather than expanding new road infrastructure
19 into the fragile wildlands that can be
20 maintained with forest trails. The highest
21 and best public use of remaining roadless
22 public lands within Lewis and Clark County is
23 to manage for their traditional backcountry
24 uses and values of clean water, fish, and
25 wildlife habitats, grazing and outdoor

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34 North George St., York, PA 17401 - (717) 854-0077

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recreation. The proposed policy should encourage local forest officials to do so in collaboration with county residents, elected officials, and area businesses."

MS. PITTMAN: Thanks, Mike. Do you want to leave it...

MR. GRIFFITH: Thanks, Maggie.

MS. PITTMAN: ...for the record?

MR. GRIFFITH: I gave Tom a copy of

that today.

MS. PITTMAN: Okay.

MR. GRIFFITH: And I've got another

one in the mail to you so...

MS. PITTMAN: Perfect.

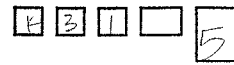
MR. GRIFFITH: ...thank you.

MS. PITTMAN: Got you covered.

Thanks. The next five speakers, Dave Newman, Andy Skinner, Jeff Whorl, Tom Davis, and Jonathan Matthews. Could you folks please come up and line up over here so we'll have you ready to go? Thank you. Al Thompson, you're next.

MR. THOMPSON: Isn't it about time for coffee and donuts at these hearings.
York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

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11200



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BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

STATE OF MONTANA
JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED

JUN 03 2000

June 27, 2000

Bob Castaneda, Supervisor
Kootenai National Forest
1101 US Highway 2 West
Libby, MT 59923

Re: Roadless Testimony
Hearing - June 27, 2000 Libby, MT

Dear Mr. Castaneda:

The Board of County Commissioners of Lincoln County, Montana, is submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Montana and the MACo Coalition of Forest Counties.

Our oral comments today will be general in nature but our written submittal will include additional areas of concern that we have identified in our initial review of the proposed regulations. We will be also be submitting a thorough and detailed response to the Chief, USDA-Forest Service, prior to the close of the comment period on July 17, 2000.

First, we would like to thank you for holding this important meeting in Libby. This allows you to directly hear the concerns of our constituents. We hope these types of meetings continue in the future for all the important federal issues facing our citizens.

The Lincoln County Board of Commissioners strongly opposes any rules adopting this type of policy. A recent straw poll put before the voters of Lincoln County at the Primary Election held June 6, 2000 has also reinforced our understanding of the position of our constituents. On the ballot question of whether they supported the proposal for roadless area, almost 90% of Lincoln County voters voted against support of the proposal. Voters in adjoining counties echoed those same feelings. This sends a clear message to us and should to the current administration. This proposal should be abandoned.

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7781 • (406) 293-8577 Fax
E-mail: locomms@libby.org

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

A unilateral decision such as this, that does not take into consideration the unique conditions of different forests, should not be made or even proposed on a sweeping national level. Management of these areas should be decided on a case by case basis through the Forest Planning process for each National Forest.

We see this broad roadless protection proposal as a backdoor approach to create defacto Wilderness and circumvent the authority of Congress to create Wilderness areas. Currently, there are roughly 35 million acres of protected designated Wilderness across the country. This proposal would more than double this amount by adding an additional 50 million acres.

Currently on the KNF almost 60 percent of the USFS system roads are already closed and within the Three Rivers District nearly 75 percent are closed, primarily due to transportation system management dictated by grizzly bear recovery. This proposal will lock up an additional 600,000 acres, ignoring local management recommendations and local needs.

This issue has already had a direct negative impact on our county. When the temporary roadless policy was put into effect, it stopped all progress on the Treasure Mountain Ski area. Many years of study, substantial amounts of financing, and numerous hours of volunteer time went into studying the potential benefits of this ski area. The studies were near completion when the temporary roadless moratorium was enacted. If this permanent proposal is adopted, it would put an end to any hopes of developing this ski area and add another roadblock to bringing back our county's economic stability.

Forest health, fire control, and disease in the forest are also areas that this extreme proposal will effect. Without access to areas of the forest, the once healthy forest that we knew will continue to see its health decline and risk the danger of dramatic fire threatening all of our communities, our livelihood, and our way of life.

The roadless proposal will also stifle other economic possibilities for our county, including mining exploration, timber harvest, recreational opportunities, and tourism. Everyone here already knows the detrimental effects that the Endangered Species Act and other major Forest Service decisions have had on all of our communities. Additional federal restrictions will clearly limit economic prospects for our future.

Our communities are struggling for their survival. Our heritage and culture that have been so important to our residents is threatened with disintegration. Our children's ability to remain as part of our communities is almost non-existent with the elimination of jobs due to the major reductions in timber harvest and downsizing at our local mills. Any hope of increased economic sustainability continues to diminish when continued proposals such as this limit access to our forests.

As I end my oral testimony before you today, I would like to summarize what I feel the most important issue is for you to consider. It is not the issue of a road building moratorium only. It is the constant barrage of federal edicts enacted from above that are

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threatening our traditional way of life in our rural communities in Lincoln County and other areas of the West. We have been encouraged to "come to the table" to negotiate, review and comment on forest management practices through various processes. We have kept our promise and stayed active in this process, sometimes under tremendous political adversity.

But more and more our we hear our constituents say "You can't trust the federal government any more". They tell us to look at the effects of the grizzly bear protection and other endangered species management. They are barraged by more and more proposed restrictions and regulations on federal lands. They see forests that are in dire need of help and could catastrophically burn this summer. They attend public meetings to voice their opinions but feel as if their input falls on deaf ears. We have continued to tell them that we still need to try to work for a common goal and work out our differences in a managed plan that can benefit all interests. I constantly appeal to them to attend one more meeting or write one more letter that will hopefully influence decisions.

We are not sure that we can continue to tell them that. Every effort we have made to work together with federal agencies to solve the important management decisions with words of reason have been ignored by this Administration. Additional regulations continue to be imposed with no understanding of the effects on rural America.

Our hope is that our voices will finally be heard.

Our review, to date, has also revealed the following issues and concerns:

1. The Draft EIS appears to be Biased and Pre-decisional

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternatives. Let us cite some examples:

- On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.
- The Vice President has made statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it. No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

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- The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments.

The Forest Service admits that its assessment method conducts a “qualitative” analysis of most impacts. In fact, the analysis only provides a “quantitative” analysis on agency costs, timber, and road construction and reconstruction—and framed mostly in a negative context. There are many associated impacts that are not “quantified” and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads us to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies.

The Draft EIS fails to meet basic Council on Environmental Quality Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternative
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk

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- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
 - Incorporate material by reference only when it is reasonably available
 - Insure the scientific integrity of discussions

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

4. The Draft EIS is Full of Discrepancies and Contradictions Relating to Conclusions and Data.

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are fact and which are the authors’ personal biases. Here are a few examples:

- The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal or more destructive than management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.
- In one statement the Forest Service says that “As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values.” In another section, they state that “...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas.” You can’t have it both ways--Irreversible means you can’t go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns and those we represent, the Commissioners of Lincoln County would like to go on record in requesting that the Forest Service, either:

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as active participants in the process.

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JUL-14-2000 13:11

Lincoln Co. Clerk & Rec.

406 293 8577 P.03/04

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

- 2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
- 3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

July 14, 2000

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CAET RECEIVED
JUN 17 2000

Chief Dombeck, U.S.F.S.
USDA Forest Service - CAET
Attention: Roadless Areas
NOI P.O. Box 221090
Salt Lake City, UT 84122

Dear Chief Dombeck:

Lincoln County has submitted separate testimony on the proposed Forest Service Roadless Area Conservation Draft E.I.S. but would like to comment on one issue specifically.

The Libby community has been attempting to develop the Treasure Mountain Ski Area for several years. In fact, a grant was received from E.D.A. to study and complete an E.I.S. on the proposed project. The Forest Service has also played a major role in the study and supports the project.

A portion of the proposed area is currently included in the Forest Service's proposed Roadless Area. This issue has already had a direct negative impact on our county. When the temporary roadless policy was put into effect, it stopped all progress on the Treasure Mountain Ski area. Many years of study, substantial amounts of financing, and numerous hours of volunteer time went into studying the potential benefits of this ski area. The studies were near completion when the temporary roadless moratorium was enacted. If this area is retained in the Roadless Area proposal, it would put an end to any hopes of developing this ski area and add another roadblock to bringing back our county's economic stability.

This development is very important to the citizens of Lincoln County and the Libby community. Because of the downsizing of the timber industry and the closure of several major industrial businesses, our economic base has seen a rapid decline over the past few years. This project would supplement some of this economic loss if completed.

Sincerely,

Marianne B. Roose
Marianne B. Roose, Chair

Rita R. Windom
Rita R. Windom, Member

John C. Konzen
John C. Konzen, Member

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7781 • (406) 293-8577 Fax
E-mail: lccomm@libby.org

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We are formally requesting that the area proposed for this development be removed from the proposed Forest Service Roadless Area Conservation plan. We are sure that your agency would receive strong support from Montana's Congressional Delegation for exclusion of this area.

Sincerely,

Marianne B. Roose *Rita R. Windom* *John C. Konzen*
Marianne B. Roose, Chair Rita R. Windom, Member John C. Konzen, Member

Cc: Senator Conrad Burns
Senator Max Baucus
Rep. Rick Hill

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED

JUL 17 2000

July 14, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Re: Comments on Roadless Area Conservation Draft EIS

Dear Forest Service,

The Commissioners of Lincoln County, Montana, have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7781 • (406) 293-8577 Fax
E-mail: lccomms@libby.org

16089

level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,



Marianne B. Roose, Chair



Rita R. Windom, Member



John C. Konzen, Member

attachment

16089

**Review of
Forest Service
Roadless Area Conservation
Draft Environmental Impact Statement**

**LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, MONTANA
Comprehensive Review**

The following is a page-by-page review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement issued on May 11, 2000. The review includes "Comments" and "Relief." Comments represent findings of deficiencies, inconsistencies, errors, and incomplete information or discussion. Relief is a specific action(s) requested of the Forest Service to fully address the comment.

CHAPTER 1--PURPOSE OF AND NEED FOR ACTION

COMMENTS ON CHAPTER 1

Introduction

1. **Comment:** Page 1-1, 1st paragraph-- The introductory paragraph makes it sound as though inventoried roadless areas on National Forest System lands are the only areas in the United States that are unroaded. There is no consideration of wilderness, other agency contributions, special areas, etc. The document then states that protection of these areas is important to the agency's responsibility--what is the reference for this? Is it a congressional mandate? An administration mandate?

Relief: The Forest Service needs to address the National Wilderness Preservation System, other special areas, and contributions of other Federal lands, such as, the BLM Public Lands, National Parks, Fish and Wildlife Service Refuges, etc. and address the questions presented.

2. **Comment:** Page 1-1, 2nd paragraph--This paragraph is misleading. The first sentence states

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that "Watershed protection is one of the key reasons National Forests were created." This is not true. The Organic Act of June 4, 1897 states "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows..." Favorable conditions for water flows means water quantity, not quality. The Act further states that "All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated." The role of protecting watersheds came later with passage of other laws.

Relief: These statements need to be clarified to represent an accurate reflection of the laws governing creation of the national forests.

3. **Comment:** Page 1-1, 3rd paragraph-- This paragraph lacks references for these numerous studies that indicate watersheds with fewer roads are responsible for healthier fish populations.

Relief: The Forest Service needs to add citations as to where this information was acquired.

4. **Comment:** Page 1-1, 4th paragraph-- What is the reference for these statements that infers roaded areas are destructive to wildlife populations? If this is truly the case, why does the Forest Service advocate introducing many of these species into roaded areas? For example, on the Bighorn N.F. bighorn sheep were introduced into a roaded area (along a federal highway), moose are introduced and flourish in areas where roads exist (North Park in Colorado), and grizzly bears are migrating into farm county fragmented by roads in Montana (Choteau). The statement that many species avoid roads if possible does not fit with what a visitor will experience driving through a national forest or national park. If this is the case, why are there record numbers of species in spite of roads, e.g., antelope, deer, elk, moose, etc.?

Relief: The Forest Service needs to add citations and clarify these assumptions. In addition, they need to address the questions presented.

5. **Comment:** Page 1-1, last paragraph-- What is the reference for these statements that roadless areas are better able to respond to natural disturbances? Why are roadless areas better able to respond to natural disturbances like windstorms and fire? Why are they better able to respond over any other area that has been logged, roaded, grazed, or developed and then burned or blown down? Can these assumptions be proven?

Relief: The Forest Service needs to add citations and clarify these assumptions. In addition, they need to address the questions presented.

6. **Comment:** Page 1-3, 2nd paragraph-- What is the reference for these statements and assumptions that 16 million acres of forest, cropland, and open space were converted to urban and other areas? Where is this happening? How much was forest? How much is this directly related to national forests?

Relief: The Forest Service needs to add citations and clarify these assumptions. In addition, they need to address the questions presented.

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7. **Comment:** Page 1-3, 5th paragraph-- The Forest Service does have the responsibility to balance resource use and protection to meet the diverse needs of people. However, what is the proper balance of resource mix to meet the needs of people? Is it 50 million acres of preserved roadless areas, 42 million acres of wilderness and other protected areas (such as resource natural areas, national recreation areas, and wild and scenic rivers) that currently restrict roads and timber harvest? In the document there is no analysis that determines what the proper mix of balanced resource use and area is, other than, the conclusion that over 50% should be in some roadless category to meet the needs of some unknown percent of the U.S. population.

Relief: The Forest Service needs to conduct the proper analysis and address the questions presented.

Background

8. **Comment:** Page 1-4, 1st paragraph and Page 1-14, Table 1-1--A problem with this analysis is it uses an inventory process that was developed for determining wilderness recommendations to Congress. The Forest Service has taken this process and extrapolated its use for other purposes that do not fit, e.g., roadless characteristics. The proposed planning regulations, summarized in Table 1-1, state that the proposed planning rule "Provides (an) overall framework for identification and management of unroaded values other than wilderness." A review of roadless areas for the reasons described in this document should be based on criteria developed for that purpose--not for wilderness. The proposed forest planning rule is the correct vehicle for this analysis. It is parallel to using a wrench to pound nails.

Relief: The Forest Service needs to take the action described.

9. **Comment:** Page 1-4, 4th paragraph-- This reference to road maintenance is not germane to the discussion regarding the purpose for preserving roadless areas. This is a separate and distinct issue that could be managed if the Forest Service would prioritize funding and use of its resources (meaning people and funds). Although it is brought up many times as an issue, it is not addressed in any alternative.

Relief: The Forest Service needs to address this issue by deleting the reference to road maintenance or address it as part of an alternative.

10. **Comment:** Page 1-4, last paragraph-- The last sentence states that "many mentioned the need for permanently protecting roadless areas." How many is many and how many are form letters sent out by special interest groups?

Relief: The Forest Service needs to provide the necessary data to support the statement.

11. **Comment:** Page 1-5, 1st paragraph; Page 1-14, Table 1-1, Page 1-15, Goal 1; and Page 1-16, 4th paragraph-- This implies that the American people are not capable of recognizing the significance of roadless areas in local planning efforts. Therefore, a national directive through this rule, is being introduced. However, in the proposed planning regulations the Forest Service

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is entrusting the American people to make other important decisions and "emphasizes collaboration." Furthermore, on Page 1-15 it states that the goals and objectives of the Forest Service Draft Strategic Plan are relevant to the "Proposed Action" in this EIS. This is misleading, as the goal itself, is to "Promote ecosystem health and conservation using a collaborative approach..." Finally, Page 1-16 states "All three proposed rules seek to provide for long-term environmental sustainability, ensure collaboration with the public, ..." This is simply not true for the Roadless Conservation Proposed Rule as collaboration is NOT taking place. The argument here might be made that "collaboration" is okay for other decisions, but not for those important issues that greatly affect local communities.

Relief: The Forest Service needs to either 1) delete any references that this proposal to prohibit road construction, reconstruction, and timber harvest is a collaborative process or 2) withdraw the proposal and enter into a collaborative approach with counties and local governments.

Public Scoping Process and Issues Considered

12. **Comment:** Page 1-5, 4th paragraph-- States that "...the Forest Service received over 360,000 responses..." On the previous page it states that "The agency received approximately 119,000 public comments..." That's a difference of 222,000 responses or comments.

Relief: The Forest Service needs to either fix the number or define the difference between "responses" and "comments."

13. **Comment:** Page 1-6, issues discussion-- The issues identified (public access, identification of unroaded areas, exemptions, local involvement, etc.) are inconsistent and extremely different from the opening-page Abstract (protecting clean water, biological diversity, dispersed recreation, wildlife habitat, etc.).

Relief: The Forest Service must clarify why the issues are different between the two sections of the document.

Purpose and Need

14. **Comment:** Page 1-11, 2nd paragraph-- This paragraph discusses rational about why certain activities (grazing, motorized use, mining, etc.) could not be analyzed at the national level. These activities were excluded from the prohibitions (road and timber) and provide a good argument why the analysis should be conducted at the local level. These would be addressed in a manner that provides local governments the ability to discern the impacts and provide meaningful comment. As it is, the document is so general (qualitative) that local governments cannot adequately provide meaningful comment to the DEIS.

Relief: The Forest Service must withdraw this proposal and allow the analysis to be completed at the local level in order to adequately address a full range of alternatives and impacts.

15. **Comment:** Page 1-11, first bullet list-- The second bullet states that certain issues are most appropriately resolved at the national level--what are they? The only one in recent times is that of

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wilderness and that was resolved by Congress. What gives the agency the authority to determine what needs to be addressed at the national vs. local level?

Relief: The Forest Service needs to address where the authorities are for the action they are proposing.

16. **Comment:** Page 1-11, first bullet list-- The fifth bullet discusses the availability of useful data being limited for resources other than roads and timber. This is simply not true. In fact, the Forest Service collects and maintains dozens, if not hundreds, of databases of information that are available on fire, fuels, recreation, motorized use, special uses, capital improvements, trails, wildlife, grazing, lands, insects and disease, noxious weeds, water, GIS, etc. A perception that could be inferred is that the Forest Service chose not to use this information in order to expedite the implementation of this proposal and use only the information that would support the argument that roads and timber harvest are detrimental to the National Forests.

Relief: The Forest Service must identify these other databases and apply the information in a complete and thorough analysis that quantitatively discloses all effects.

CHAPTER 2--ALTERNATIVES

COMMENTS ON CHAPTER 2

1. **Comment:** Page 2-2 to 2-4-- There appears to be an inadequate formulation of alternatives: The range of alternatives does not include alternatives that are driven individually by the issues on the top half of Page 1-6, nor the "strong public sentiment" issues identified in the opening-page Abstract.

Relief: The Forest Service needs to match the alternatives to the set of issues identified in both sections referenced.

2. **Comment:** Page 2-2 to 2-10-- There is an unbalanced description of Alternatives, for example, little description is provided for the two "No Action" Alternatives (Alternative 1 and Alternative A). These alternatives are critical baselines for comparing all alternatives.

Relief: The Forest Service needs to provide a more comprehensive description and discussion of the two "No Action" alternatives in order to provide a baseline of comparison:

3. **Comment:** Page 2-16, last paragraph-- The section on "Alternative Land Use Designations-- Make All Inventoried Roadless Areas Fully Available for Development," states that "The agency decided not to apply such prescriptions (planning) by national rule for a variety of reasons, such as the lack of data that can be aggregated and analyzed at the national level, the local nature of the affected uses and impacts..." This makes a strong argument to why the roadless conservation issue should be addressed at the local level during the forest plan revision process.

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Relief: The Forest Service must withdraw this proposal and allow the analysis to be completed at the local level during forest plan revisions in order to adequately address a full range of alternatives and impacts.

4. **Comment:** Page 2-4, paragraph 3 and Page 2-7, paragraph 3-- The description of the "No Action" Alternatives is inadequate and in error. Currently, for any activity proposed to enter or alter a roadless area, an Environmental Impact Statements is required. The intent is to analyze the impacts on changing the character of that roadless area. The discussion leaves the reader believing that units of the National Forest System can enter roadless areas with little analysis. This direction was established by the Chief--USDA Forest Service in the late 1990's.

Relief: The Forest Service must change these alternatives to reflect current and accurate direction.

5. **Comment:** Page S-9 and Page 2-7 and 2-8-- The descriptions of "Alternative B--Proposed Action and Preferred Alternative" between the Summary and Draft EIS are different. Consider the description of the "Proposed Action" from the Summary (and released as a separate document) and the Draft EIS:

Summary Description (Page S-7)states,

"Alternative B - Forest Planning Process Implemented at Next Forest Plan Revision, Proposed Action and Preferred Alternative-- Local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during forest and grassland plan revisions..."

During plan revision, the local manager would evaluate the quality and importance of the roadless characteristics to determine their relative contribution to the conservation of roadless areas and determine whether and how the characteristics should be protected. This alternative effectively becomes implemented on each forest and grassland at the time of plan revision."

DEIS Description: (Page 2-7 and 2-8):

"Alternative B - Forest Planning Process Implemented at Next Forest Plan Revision, Proposed Action and Preferred Alternative-- Local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during forest and grassland plan revisions..."

The procedures would recognize the role of local forest decision making for management of both inventoried roadless and smaller or uninventoried unroaded areas. Local decision makers would consider social and ecological characteristics of inventoried roadless and other unroaded areas through their local forest planning efforts. With respect to inventoried areas, 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..."

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Since a majority of the public and local governments read the Summary, the description of alternatives is misleading. The Summary makes it appear that the Forest Service will allow road construction and reconstruction until Forest Plan revisions are undertaken with a full range of options, including the use of roads. The DEIS closes the door for local officials to consider roads as a management option by adding the sentence "...local responsible officials could not authorize the construction or reconstruction of roads..."

Relief: The Forest Service must clarify the Summary to be consistent with the parent document. In addition, the Forest Service must determine, identify, and address the numerous comments received from individuals, groups, and local governments that read only the Summary and interpret it as leaving a full range of options open in the future.

6. **Comment:** Page 2-4 through 2-9-- There are inherent problems with the range of procedural alternatives presented. First, they do not represent a full range as required by CEQ Regulations (also addressed under NEPA Deficiencies). Many of the alternatives address procedures currently required by Forest Service direction and policy, e.g., Alternatives A, C and D. The only difference Alternative B provides is the statement that prohibits local decision makers from authorizing road construction and reconstruction.

Relief: The Forest Service must present a full range of alternatives that are distinctly different from each other. The alternatives must be able to display a meaningful disclosure of effects.

7. **Comment:** Tables 2-2 and 2-3-- The table comparing the alternatives and environmental consequences provide an incomplete comparison by omitting certain sections analyzed in Chapter 3, Environmental Consequences. This leads to potential errors in interpreting the full effects of each alternative.

Relief: The Forest Service must rewrite Tables 2-2 and 2-3 to include all the information disclosed in Chapter 3.

8. **Comment:** All references to Tongass National Forest Alternatives-- The Tongass National Forest considerations in the document are distinct and different from those being considered for the remainder of the National Forest System. Adding discussions for the Tongass N.F. makes the document confusing and distracting. If the Tongass N.F. is truly different, it should be addressed and documented as a separate decision.

Relief: The Forest Service should consider addressing the roadless issue specific to the Tongass National Forest as a separate decision and not part of this rule making process.

CHAPTER 3--AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

COMMENTS ON CHAPTER 3

Introduction

No Comments

Overview of Inventoried Roadless Areas

1. **Comment:** Page 3-3, Table 3-1-- This table illustrates the significance and magnitude of the "Proposed Action". The fact that over 90% of the roadless area acreage is located in the 12 western states provides a good argument of why these decisions should be made at the local level. Coupled with the fact that this document does not contain the quantitative analysis to adequately disclose effects, it falls extremely short of meeting CEQ Regulations governing the NEPA process. The effects on counties in these states will be significant and they should be provided the opportunity to debate and analyze the issues locally.

Relief: The Forest Service must recognize that the impacts on the 12 western states qualify them as "cooperating agencies." The Forest Service needs to "invite the participation of affected ... State, and local agencies..." as required by CEQ Regulation early in the scoping process. Since the process has progressed this far, the agency must revise the Draft EIS after inviting participation from State and local agencies.

General Setting, Trends, and Assumptions

Demographics

2. **Comment:** Page 3-6, last paragraph-- The statement that people living in nearby cities favor "preservation" does not contain a reference. How was this assumption made? What cities are referenced (eastern, western)? How was the word "preservation" defined? How is "undisturbed forests" defined? This statement is very misleading without these questions answered, as many people refer to western forests as wilderness even though they contain roads and management activities.

Relief: The Forest Service must either cite a reference to support such a statement, expand the discussion to include the questions presented above, or delete it from the text.

3. **Comment:** Page 3-6, last paragraph-- The statement "many unroaded areas are located near urban areas" is not supported. The descriptor "many" is subjective and does not relate to Figure 3-3, Page 3-5. In fact, by interpreting the map one could infer few roadless areas are located near very many urban areas.

Relief: The Forest Service must display quantitatively the relationship of urban areas, populations, and roadless areas in the United States.

Resource Use and Demand

4. **Comment:** Page 3-9-- There are a number of issues that are inconsistent in this section:

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First, Chapter 3 extensively references the supply side of resource use (affected environment discussions) but this is the only section that refers to the demand side. Each following section needs to fold in resource demand so one reviewing the document may make a reasonable comparison of impacts.

Second, much of the information presented in this section is not referenced, such as, discussions about the demand for amenity and ecological values, commodities, roads, and open space. In addition, the discussion is very shallow and does not provide enough information for local governments to adequately assess potential impacts of the "Proposed Action".

Third, in the discussion on open space, reference is made to the importance of roadless areas. Open space is most commonly referenced in areas of community growth, e.g., parks, riparian zones, undeveloped areas, etc. The statement that open space is being lost on other ownerships is not necessarily true--many counties are requiring open space through zoning and community planning. In addition, the document does not address roadless and open space contributions of other land management agencies, such as the BLM, NPS, FWS, etc. And, it is important to include that the demand for commodity uses will also increase in roadless areas.

Fourth, the statement that "Appeals, litigation, and withdrawn decisions have reduced the amount of planned road construction and/or timber harvest, and it is likely that this trend will continue," contradicts the statements made earlier in the Purpose and Need section and on the Agency Costs section that "The national prohibitions are expected to remove some of the controversy over roadless areas."

Relief: The Forest Service must: 1) quantitatively address the demand for resources and uses, 2) provide references for the demand of resource use, 3) assess the contribution of open space by other agencies and local governments, and 4) correct the discrepancies cited.

5. **Comment:** Page 3-9, 5th paragraph-- A reference is lacking for the statement "The increasing demand for wood fiber will be met through a combination of international trade and domestic supply". What combination of trade and domestic supply? Are there cumulative effects associated with this shift in supply? This should be addressed and any potential effects disclosed.

Relief--The Forest Service must address these questions in order to fully disclose the direct and cumulative effects.

Agency Management Policies and Administrative Factors

6. **Comment:** Page 3-11 and 3-12-- This section discusses how clearcutting may be used and ground harvest equipment could be used under certain conditions as long as roadless characteristics are maintained. However, later in Chapter 3 numerous statements are made about how damaging clearcutting is. For example, clearcutting is blamed for increased forest fragmentation (Page 3-56), biodiversity loss (Page 3-57), connectivity (Page 3-57), loss of snags, old growth, and down woody material (Page 3-58), etc. Yet, the Forest Service is identifying clearcutting as a management option. In addition, timber harvest using clearcutting without roads will require long haul cable or helicopter yarding systems. These systems are only economically

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effective up to one mile in forest stands that contain enough value to recover costs. This decision will only allow timber harvest on the perimeter of roadless areas and areas that are economically feasible (up to one mile inside a roadless area) (Page S-37, Page 3-108-109, 3-113, 3-115, etc.) creating significant impacts in those local areas. This assumption is supported by the statement on Page 3-12 that "...impacts of timber and special products harvest are greatest close to roads and generally decrease as the distance from roads increases." The document further states that some roads are necessary for helicopter yarding (3-113-115) but the "Proposed Action" essentially eliminates this from any consideration. The "Proposed Actions" to include timber harvest is not feasible based on the constraints imposed and the impacts it will cause on the perimeter of roadless areas.

Relief: The Forest Service must clarify these discrepancies and develop a preferred alternative that is feasible.

7. Comment: Page 3-11-- This section also makes a statement that "This analysis assumes that reductions in timber volume resulting from any of the prohibitions would not be replaced with timber volume from other National Forest System Lands." Other sections make the assumption that replacement volume would come from other sources, such as private ownerships and Canadian imports. The questions that need to be addressed are: 1) Will shifting the harvest to private ownership and Canada create a cumulative impact on other sensitive areas, species, and resources identified in the document? and 2) will the impacts potentially be more severe than those occurring on National Forest System lands?

Relief: The Forest Service must quantitatively analyze the affects of this statement on local communities, other environments (private lands and Canada), and the national demand for raw materials and address the questions of cumulative impacts to Canada and private lands.

8. Comment: Page 3-12-- The portion of this section that discusses expansion of ski areas, resorts, and other recreational developments only addresses those that are currently under permit or have an exiting decision for expansion. It does not discuss what the decision is for newly proposed ski areas, resorts, or other recreational developments.

Relief: The Forest Service must disclose the disposition of new special use proposals as part of the "Proposed Action".

Environmental Conditions

9. Comment: Page 3-12, fourth paragraph-- What is the reference that recreation opportunities in semi-primitive and primitive settings will continue to decrease in most non-federal ownerships?

Relief: The Forest Service must cite a reference for this assumption.

10. Comment: Page 3-12, fifth paragraph-- This paragraph implies that "...mechanical thinning will be needed to bring many high-risk forests back to a healthy condition" as a mitigation measure to the problem of insect and disease epidemics. How will this be accomplished without

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access to these areas? Helicopter thinning is not economically feasible in most areas. Therefore, the agency will be required to subsidize these costs negating the assumption that the "Proposed Action" will result in overall minor changes in costs of managing roadless areas (Page 3-200).

Relief: The Forest Service must conduct a thorough quantitative cost analysis of changes in management as a result of implementing the "Proposed Action". Many costs associated with these proposed activities in roadless areas will be many times the cost over the "No Action."

Effects of the Prohibition Alternatives

The Forest Service Road System

11. Comment: Entire Chapter-- Most Americans would probably agree that there are roadless areas that should be removed from intensive forest management. However there are also roadless areas that require forest management. Some management can be implemented without building roads, but roads can, and often do, reduce the cost of management over the long term. With the exception of Congressionally designated wilderness, forest roads are an important option for local Forest Service managers to consider when making management decisions and should not be arbitrarily precluded. Local residents depending directly or indirectly on their livelihoods from goods and services produced on their National Forests will be the people impacted if this proposal is implemented.

Relief: The Forest Service must discuss the positive benefits of roads on management of the national forests to display an objective evaluation and build integrity in the analysis.

12. Comment: Page 3-15, first paragraph-- The Affected Environment states that almost 24,000 miles of roads have been decommissioned between 1991 and 1999. At this rate, in the next nine years, almost 216,000 miles will have been accomplished equating to 56% of the Forest Service road system. Also, the ratio of construction miles to decommissioning miles is approximately 1:433. These are important figures to display. This simple analysis poses the question of "Why must a national rule be proposed to prohibit road construction and reconstruction when the problem is being addressed, somehow, by other priorities.

Relief: The Forest Service needs to disclose how this is happening, how it is being funded, and how the "No Action" alternative can meet the same objective as the "Proposed Action".

13. Comment: Page 3-15, last paragraph-- The discussion states that implementation of policies using best management practices for road design, construction, mitigation, etc. cannot entirely eliminate adverse environmental effects. That is true for many resource decisions, such as campground construction/reconstruction, watershed rehabilitation (removing culverts, bridges, obliterating roads, etc.), grazing improvements, habitat improvements (both aquatic and terrestrial), some recreational uses, and fire. So, why is road construction and reconstruction any different. The agency appears to be willing to take the risk of catastrophic wildfire and other activities which can cause many of the same effects on water, soil, habitat, etc., but not take those risks where managers have some control. (This comment also refers to statements made in the section on Watershed Health, Page 3-23, 2nd paragraph)

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Relief: The Forest Service must disclose the impacts of these other activities and use them as a comparison to the "Proposed Action". How much are these other activities (vs. road construction, reconstruction and timber harvest) contributing to resource impacts? Otherwise, an unfair analysis will result leading to a biased selection.

14. Comment: Page 3-16, Alternative 1-- The discussion states that road decommissioning would continue to increase nationwide. The question is "How much funding is being spent on road decommissioning that could, instead, be used for road maintenance to offset the backlog identified?" This creates a perception that the Forest Service is more concerned about eliminating roads than seriously resolving the maintenance backlog problem.

Relief: The Forest Service must disclose how much funding is being allocated to road decommissioning and compare it to road maintenance needs.

15. Page 3-18 through 3-20, Alternatives 2-4-- Road construction, reconstruction, and maintenance activities contribute jobs, dollars, and economic development to local communities. This section did not address the potential impacts to local communities in this respect. Questions that need to be answered include: 1) How many jobs are dependent on these road activities? 2) How many dollars do these activities contribute to local economies? 3) What is the impact on Forest Service organizations at the local level and how will that effect local communities? (We can presume that, since roads are an element of the past, local Forest Services offices will not need engineering organizations. Many of these Federal offices provide a significant portion of the jobs, salaries, etc. to local communities.) 4) How much of the Forest Service road construction, reconstruction, and maintenance budget is spent in roadless areas? (No data is provided to support the conclusion that funds could be shifted to other high priority areas for road maintenance.)

Relief: The Forest Service must address and disclose the impacts on local communities and address the questions presented.

Ecological Factors

16. General Comment: This entire section is so biased against roads and timber harvesting that one cannot begin to identify all the discrepancies. The entire section focuses on the negative aspects of roads and timber harvest and rarely addresses the benefit of these activities, such as increased water for municipal use, irrigation, providing access for water related recreational activities, access for fire suppression activities and fuel management, vegetative management, etc.

Cumulative effects are rarely quantified. Subjective conclusions are provided, such as small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc. that are essentially meaningless. What do these mean? The Forest Service cannot make a reasonable decision on effects using these subjective conclusions. On the other hand, local government officials cannot adequately interpret these conclusions and determine what effects they may have within their jurisdictions. This

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provides even more reason for these decisions to be made at the local level where cumulative effects can be quantified.

Relief: The Forest Service must completely rewrite these sections in an objective manner, provide a specific quantitative analysis of impacts, and replace subjective evaluations with quantitative evidence.

Introduction and Overview

17. Comment: Page 3-22, second bullet list on Forest Health-- The statement that protecting more inventoried roadless areas from roading would result in a reduction in the occurrence of human caused fires, without disclosing the potential for increases in large catastrophic wildfires caused by lightning, is misleading. Lightning is responsible for approximately 75% (Page 3-152) of the annual acreage burned by wild fires in inventoried roadless areas in the West.

Relief: The Forest Service must provide evidence for this assumption and clarify the discrepancy.

Watershed Health

18. Comment: Page 3-23, first paragraph-- The statement that "...poorly managed timber harvest activities can be the major source of sediment from the sale area." Why then, does the Forest Service design and allow for poorly managed timber sales?

Relief: The Forest Service needs to answer this basic question.

19. Comment: Page 3-23, third paragraph-- Alternatives that allow timber harvest for stewardship reasons using mechanical thinning, prescribed fire, and other means will reduce the risk of catastrophic fire and effects on water, soil, and air resources is an assumption that is not realistic. See comments under numbers 6 and 13.

Relief: Same relief as described under Comments 6 and 13.

Water Quality and Timing

20. Comment: Page 3-25, Alternative Evaluation-- The discussion on peak flows, flood flows, and annual water yield in Alternative 1--No Action fails to provide an adequate disclosure of effects for comparison to other alternatives. What is the difference between this alternative and others? What is the expected difference in magnitude? Are they fractions of a percent or double digit percentages? In addition, most studies have concluded that effects of water yield and timing are much more associated with large fires than with the relatively small areas treated by timber harvest. The potential effects of more frequent large fires on water quantity and timing have not been disclosed and they are extremely important, particularly to those in the West. What are the anticipated effects of the action alternatives on downstream water users?

Relief: The Forest Service must quantify this discussion in order to conduct a rational evaluation

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and address the questions presented. Specifically, what will be the impacts to downstream users, such as, communities, agriculture based business, and others.

21. Comment: Page 3-26, second paragraph-- In many parts of the West, water is our most valuable and often our most limited resource. What is the rationale for concluding that a cumulative reduction in water yield is a beneficial effect? To ranchers and irrigators, a decrease in water yield will not be viewed as a benefit.

Relief: The Forest Service must consider the effects of reductions in water yield on communities and agriculture uses.

22. Comment: General-- The 1996 Farm Bill signed by President Clinton expanded the role of local county conservation districts in resource management, including lands administered by the federal government. The local conservation districts need to be included in decisions affecting soil, water, noxious weeds, etc. Nowhere in the document have their roles and responsibilities been acknowledged or defined.

Relief: The Forest Service must explain why Conservation Districts have not been included in this analysis. In addition, Conservation Districts were not included in the distribution list (Page 4-9 through 4-11) and never mentioned in the entire document.

Water Quality and Drinking Water Source Areas

23. Comment: Page 3-26 and 3-33-- This section discusses the effects of alternatives on drinking water and lists the highest likelihood of impacts on numerous areas. In addition, the Federal government, through the U.S. Environmental Protection Agency, has delegated authority to most State Departments of Environmental Quality for administration and enforcement of the Clean Water Act and the Safe Drinking Water Act on Forest Service administered lands. Specific questions needing answers include: 1) Will the "No Action" alternative exceed drinking water standards? 2) Are these areas already exceeding drinking water standards? 3) How many miles of road and acres of timber harvest are scheduled for these areas? 4) What is the magnitude of the effects from "No Action" to one of the "Action Alternatives"? 5) Will the "Action Alternatives" affect water supply to communities?

Relief: The Forest Service must provide answers to these questions in order to provide an objective evaluation and disclosure of impacts.

24. Comment: Page 3-31, first and fourth paragraphs-- The average reader will have no idea what TMDL's are. These bureaucratic acronyms and abbreviations need to be defined in the glossary as well as defined the first time they are used in each section of the document.

Relief: The Forest Service must define these terms and include them in the glossary.

25. Comment: Page 3-28-- The discussion on impaired watersheds does not indicate where they are located and their relationship to roadless areas (except for the very small scale map in Figure 3-13). Since many of these watersheds have an impact on local communities, they need to be

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identified in order that local government officials can adequately assess the impacts of the alternatives.

Relief: The Forest Service must provide a list of impaired watersheds nationally by roadless area and county. Only then can local government officials determine the effects of the alternatives and provide meaningful comment.

Soil Loss and Sedimentation

26. Comment: Page 3-32, last paragraph-- The discussion on risk of precipitation and runoff events is only included in the "No Action" alternative. This discussion is not included in other alternatives. The discussion, itself, fails to address the probability of precipitation and runoff events, e.g., 10 year, 100 year, or 1,000 year events. This information would lead to an objective discussion of the probability of these events and possible impacts from the "Action Alternatives".

Relief: The Forest Service must evaluate the probability of these natural events and provide an objective discussion for all alternatives.

27. Comment: Page 3-32 through 3-35-- The analysis fails to consider the added risk of soil loss and sedimentation due to the potential increases in large catastrophic fires and insect and disease epidemics. These impacts can be a result of less effective fire suppression and the reduced ability to treat insect and diseases at endemic stages. Simply put, the increased risk of catastrophic fire = increased loss of soil = impacts to municipal watersheds, irrigators, etc.

Relief: The Forest Service must quantitatively evaluate and disclose the effects of added risk (catastrophic fire and insects and disease) due to fewer roads on National Forest System Lands.

28. Comments: Page 3-35, third and fourth paragraphs-- The Cumulative Effects section is simply a reiteration of the direct and indirect effects. Both are so general that they are little help to the reader in evaluating alternatives. Mitigation measures are not even discussed.

Relief: The Forest Service must address real cumulative effects and not reiterate the direct and indirect effects of the alternatives.

Mass Wasting

29. Comment: Page 3-39-- The analysis again fails to consider the added risk of mass wasting due to the increased potential of large catastrophic fires.

Relief: The Forest Service must conduct an evaluation on the probability of increased risk of mass wasting as a result of catastrophic fires.

30. Comment: Page 3-39, states that the "No Action" alternative poses the greatest probability of mass wasting of all alternatives considered. How much more? What is the magnitude of this probability?

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Relief: The Forest Service must provide a quantitative evaluation of all alternatives in order to compare effects of mass wasting as addressed in the questions presented.

Channel Morphology

31. **Comment:** There are numerous examples of entire stream channels being "blown out" in a matter of hours following large catastrophic wildfires, e.g., Yellowstone National Park in 1988 and the Independence Fire in 1979, Selway-Bitterroot Wilderness. Soil types, slope, vegetative cover, channel type and other variables all contribute to the potential for changes in stream channel morphology. To confine the effects analysis to just the direct effects of roads and timber harvest is misleading.

Relief: The Forest Service must include an analysis of the potential effects of large fires for the "Action Alternatives". The potential downstream effects on water quality, water flow, municipal water storage, property damage, etc. must be evaluated.

Fire Effects on Watersheds

32. **Comment:** General-- The previous comments focus strongly on what this section should reveal. However, this section vaguely discusses the effects of wildland fire on watersheds. As pointed out later in the Draft EIS, human-caused fires have accounted for only about 25% of the fires in inventoried roadless areas over the decade from 1986 to 1996. The long term effects of fuel buildups and lack of access for suppression could have the potential for large catastrophic fires that can cause watershed degradation. The possible effects of wildfires on local down stream water users, irrigators, ranchers and recreationists needs to be evaluated and disclosed.

Relief: The Forest Service must address the potential and probability of more and larger catastrophic fires and the effects of these fires in order to disclose the effects to downstream users and communities.

33. **Comment:** Page 3-42, seventh paragraph-- The paragraph stating that curtailing road construction "...may slightly increase fire risk of large and damaging wildfire..." is an assumption not supported by evidence.

Relief: The Forest Service must provide evidence for assumptions, such as this.

34. **Comment:** Page 3-42, last paragraph-- The last sentence of the page reads " Any large fire that results from the inability to treat fuels could affect on-site and downstream soil, water, and air resources." How and to what degree may this happen? To simply state "could affect" does not begin to adequately disclose predicted effects and their significance as required by CEQ Regulations 1502.16.

Relief: The Forest Service must, again, be more specific in disclosing the impacts of the alternatives.

35. **Comment:** Page 3-42, Alternative 2-- There are many recent examples of the Forest Service

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building roads into roadless areas for fire suppression efforts. The "Proposed Action" would appear to prevent this important fire suppression tactic to be used for the protection of domestic water sources. Is this a correct assumption? Since road prohibitions are exempt for purposes of protecting life or property (Page 2-4), is municipal water considered property?

Relief: The Forest Service needs to provide an answer to this question.

Air Quality

36. **Comment:** Page 3-46-- On one hand the reader is left with the impression that the lack of new road construction and associated timber harvesting will be a benefit to the air resource. However, on the other hand the effects analysis points out that the decreased ability to treat fuels likely will lead to an increase in large uncontrolled wildfires that impact air quality. For example, the "No Action" alternative states "Emission from road construction, reconstruction, and use will present a chronic air pollution impact." However, in the "Proposed Action" Alternative (Alternative 2), it is stated that "...a slight additional risk of large and damaging wildland fires," will result. Why is one chronic and one slight? Large uncontrolled forest fires can create a summer-long chronic situation, whereas, most roads in the national forests are seasonal in nature, e.g., covered by snow months of the year.

Relief: The Forest Service must provide an objective analysis of the effects of alternatives using quantifiable data.

37. **Comment:** Page 3-44, fifth paragraph-- It is certainly not apparent to most readers what a "non-attainment" area is. A definition is not provided in the text or in the glossary.

Relief: The Forest Service must define these terms and add them to the glossary.

38. **Comment:** Page 3-46, second paragraph-- The "Proposed Action" makes no mention of the effects posed to local residents with respiratory problems resulting from the increased potential for massive amounts of smoke associated with large wildfires. Contrary to planned management actions, where these residents can be forewarned and take appropriate preventive actions, this is not possible in the early stages of wildfires.

Relief: The Forest Service must address this impact and disclose the potential adverse effects.

39. **Comment:** Page 3-43, second paragraph-- There is no analysis in the cumulative effects sections for any of the alternatives addressing the statement that "all management activities on National Forest System Lands must consider air quality related values for all Class 1 areas managed by any agency, not just those on Forest Service lands." The cumulative effects of any proposal in this context must be addressed. What, if any, will be the effects of this proposal on the programs of the other agencies and Native American Tribes? How could their management affect the air quality on adjacent Class 1 airsheds managed by the Forest Service? For example, where a tribe might accelerate its timber harvest program to help respond to an increase in demand for timber products resulting from decreased harvest in roadless areas?

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Relief: The Forest Service must address this issue in a cumulative effects analysis.

Biological Diversity

40. **Comment:** Page 3-47 and 3-48-- The Biological Diversity section does not explain how roads or timber harvest impact biodiversity, but that roadless areas support more. The scope of the analysis for biodiversity does not address the needs of individual species and makes it sound as though biodiversity does not occur outside roadless areas. We could assume that in many roaded ecosystems biodiversity thrives--it depends on specifics, again, and the analysis does not provide those. Why are Noss and Cooperrider and the World Commission on Environment and Development the only references cited in this discussion?

Relief: The Forest Service must provide an objective and unbiased discussion of the Affected Environment and effects of the alternatives. This section needs to be rewritten or heavily edited.

Ecoregions

41. **Comment:** Page 3-52 and 3-53-- On Page 3-48, the discussion of Ecoregions specifies that 12% of a county's land mass be designated as conservation reserves. However, the discussions on Page 3-52 and 3-53 refers to 12% and 25% thresholds. What is the proper figure? It would be helpful to disclose the contributions of other agencies and private land holdings on the total acreage and roadless acreage within the 83 ecoregions within the continental United States. Other questions include: 1) Where is the authority for designating "conservation reserves"? 2) What happens when an ecoregion is significantly altered by a catastrophic fire--one that burns 50,000 acres in a roadless area? Would it be the intent to close other areas to maintain the acreage in conservation reserves? 3) What do other land management agencies contribute to these numbers? 4) What effect will designating these areas as "conservation reserves" have on local communities who depend on commodity and non-commodity uses of the national forest?

Relief: The Forest Service must address these questions, particularly the question regarding the authority to designate "conservation reserves".

Fragmentation

42. **Comment:** Page 3-57, third paragraph-- The section on Fragmentation makes some erroneous statements. On Page 3-57, No Action, the document states that "More than half of the timber harvest volume is expected to be from clearcutting...Clearcutting is an important cause of biodiversity loss." This is misleading and contrary to other statements on Page 3-114 that states "Nationally, clearcutting has decreased from 31% of total harvest acres in 1989 to only 10% in 1997." One statement uses "volume" and the other "acres." However, using "volume" figures makes the impact sound more severe.

Relief: The Forest Service must be clear in the comparisons and use consistent units of information.

43. **Comment:** Page 3-59, Cumulative Effects-- The cumulative effects of the "Action

Alternatives" all predict a lower risk of future landscape fragmentation, relative to the action alternative. The analysis fails to address cumulative effects. What about the effects of the "Action Alternatives" on other agencies and ownerships? For example, will the projected increase in private timber harvesting resulting from the proposed alternative result in more fragmentation on these lands? This must be analyzed to adequately disclose cumulative effects as they are defined in NEPA.

Relief: The Forest Service must address the potential increase in fragmentation and detrimental effects on private and other ownership lands as a cumulative effect.

44. **Comment:** Page 3-59-- Many scientists and land managers, particularly in the intermountain west, agree that these ecosystems were historically fragmented and are either within, or close to, their Historic Range of Variability (HRV). Many National Forests have completed HRV assessments that help to define fragmentation by looking at such factors as pre-settlement fire frequencies, stand and patch sizes and connectivity. These should be considered, at least at the Ecoregion Level, rather than simply taking a "quick look" at the different management activities that are currently allowed (page 3-57, Table 3-11) and applying an unscientific risk analysis to predict effects. In addition, this type of analysis is most efficient if completed at the local level.

Relief: The Forest Service must address these issues at the local level and objectively disclose the effects for all alternatives.

45. **Comment:** Page 3-58, fifth paragraph-- To use Grizzly bear recovery potential as a measure of the effects of the proposed alternative on fragmentation is analogous to using coyote populations to "measure" the health of the sheep industry. A much better "measure" would be a disclosure of predicted road densities, average patch sizes on a large scale and major barriers such as interstate highways and urban areas. This data is available through sources such as the U.S. Fish and Wildlife Services' "GAP" Analysis Maps. It is also questionable to use the restricted range of the Grizzly bear as a habitat fragmentation effect indicator for the hundreds of vastly different species nationally, including such species as narrowly distributed endemic snails that might or might not be affected by fragmentation.

Relief: The Forest Service must address fragmentation using the factors identified above at the local level and avoid using species, such as the Grizzly Bear and snails, which may not represent the majority of roadless area impacts.

Size Considerations

46. **Comment:** Page 3-66, first paragraph-- This section on Size Considerations, and other sections, addresses that stewardship activities can have local beneficial effects to ecosystem health and biodiversity. However, the discussion always focuses on the benefits of reducing fire intensity in Ponderosa Pine forests and never addresses the impacts of long-interval fire regimes that make up a significant amount of the forests--particularly in the West. Fire intervals in these Lodgepole Pine forests are 100 years or more and naturally catastrophic as witnessed during the 1988 fire season. These events are not conducive to increasing the survivability of large, old growth pines, reducing mortality from moisture stress, or reducing outbreaks of insects and

diseases.

Relief: The Forest Service must address long-interval fire regimes and disclose how they intend to reduce the threat of catastrophic fires. Only one side of the fire interval regime (short-interval fires) is evaluated in the entire document.

47. Comment: Entire Section-- There is no disclosure of the contribution of other agency and private lands. Any analysis at this scale must address the total contributions of all lands when addressing biodiversity and not just Forest Service lands. In addition, the disclosure of cumulative effects, again, addresses the aggregate effects of only Forest Service actions and fails to address the cumulative effects of the "Proposed Action" on other agency and private lands.

Relief: The Forest Service must address the contribution of other agency and private land ownership on the effects of protected areas. Also, a more detailed disclosure of cumulative effects is necessary to adequately evaluate effects of alternatives.

Elevation Distribution

48. Comment: Page 3-66 through 3-69-- The emphasis placed on the protection of lower elevational roadless areas again points to the lack of consideration of lands other than those managed by the Forest Service. Many high quality large blocks of privately owned roadless acreage are protected under conservation easements and other measures. They are generally lower elevation than those lands managed by the Forest Service and contribute greatly to the overall biodiversity. In addition, the BLM manages millions of acres of these lower elevation ecosystems.

Relief: The Forest Service must, again, evaluate the contribution of private and other agency ownership in this evaluation.

Terrestrial Animal Habitat and Species

49. Comment: Page 3-75, Alternative 2-- The assumption for the "Proposed Action" states that "No adverse direct, indirect, or cumulative environmental effects to terrestrial animal species and habitats would be expected..." All the arguments under the "No Action" alternative potentially mean larger populations of species that do not necessarily respect roadless area boundaries. The Forest Service needs to disclose the potential impacts of growing populations of wildlife species that may result in off-site impacts, such as grizzly bear, wolf, elk, and deer. Basically, populations in a growth mode result in migration resulting in potential depredation, human encounters, effects on livestock, and even domestic pets. Examples of areas where this has occurred is Yellowstone (grizzly bears, wolves, bison, and elk) and the Rocky Mountain Front in Montana (grizzly bears and wolves).

Relief: The Forest Service must identify the potential off-site impacts of expanding wildlife populations and potential indirect effects on people living in rural and semi-urban areas.

50. Comment: Entire Section-- State wildlife agencies are charged with the management of the

wildlife species on all lands, including Forest Service, within their respective boundaries. No discussion was considered of possible effects of this proposal on the states' jurisdictional authority to carry out their legally mandated responsibilities. Examples include unfunded impacts of grizzly bear, wolves, etc.

Relief: The Forest Service must evaluate and disclose the potential impacts on state wildlife agencies for management of expanding wildlife species.

51. Comment: Page 3-72, fourth paragraph-- A current and projected road density by alternative would be very helpful for evaluating effects. Most studies evaluating habitat effectiveness have concluded that open roads account for the greatest decline in habitat effectiveness (Lyons and others 1982). These and other studies have found that road closures (even seasonal) restore habitat effectiveness to their original levels.

Relief: The Forest Service must display current and projected road densities to effectively evaluate habitat effectiveness for local species. Then, they must determine the effectiveness of a full range of road closure (seasonal, year-long, etc.) alternatives that allows for road construction, reconstruction, and timber harvest.

52. Comment: Page 3-71 to 3-72-- Although interesting, this lengthily discussion of general relationships between wildlife populations and their habitats adds little to help the reader evaluate the effects of the "No Action" alternative on wildlife habitat. Charts and or graphs would be very helpful. After nearly three pages the reader is left wondering "what are the direct and indirect effects of this alternative compared to the other three alternatives?" The same is true for the effects discussion of the other alternatives. In addition, errors occur in calculating the level of timber harvest reductions to assess impacts. On Page 3-76, a reference is made to a 33% reduction in timber harvest levels over other alternatives. A review of Table 2-2 indicates this reduction is 66%. This represents a 50% increase in harvest level reductions.

Relief: The Forest Service must provide graphs and charts to display data in order for the reader to adequately assess the direct and indirect effects of alternatives. In addition, errors in calculations must be corrected to accurately assess impacts.

53. Comment: Page 3-77, last paragraph-- The Cumulative Effects section needs to address the effects on other agency and private land habitat. This is particularly true in the western states where privately owned lower elevation winter ranges are used extensively by deer, elk, antelope, wild turkey and many other game and non-game species. Many state managed winter game ranges are at or above carrying capacities, particularly for elk, in many areas of the West. What, if any, cumulative effects will these alternatives have on wildlife population levels and wildlife habitats including the potential for increased damages to privately owned crops and forage?

Relief: The Forest Service must address the cumulative effects of the "Proposed Action" on other agency and private lands.

Aquatic Animal Habitat and Species

54. Comment: Page 3-79, 2nd paragraph-- This discussion indicates that keeping road densities low produces strong fish populations. By managing road densities vs. prohibiting road systems,

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fish populations can be maintained and increased. However, on Page 3-81, the discussion is anti-road and anti-timber harvest and gives one more perception that the goal is to eliminate roads and timber harvest.

Relief: The Forest Service must provide an objective analysis of this section. Also, "keeping road densities low" indicates a need for an alternative that addresses the option of using roads and timber harvest with proper planning on road densities.

55. Comment: Entire Section-- State Fisheries agencies are charged with the management of fish species on all lands, including national forest, within their respective boundaries. No disclosure is given for the possible impacts to State Fisheries Agencies and their programs. For example what, if any, additional requirements or costs on fish stocking and inventory programs will implementing the "Action Alternatives" have?

Relief: The Forest Service must address this issue of impacts on state fisheries agencies.

56. Comment: Page 3-71, third paragraph and page 3-81, third paragraph-- The lead paragraph for the effects analysis for the "No Action" alternative is almost word for word as the terrestrial section. This only emphasizes the general "broadbrush" approach to the effects analysis. NEPA and the courts have continually held that agencies must take a "hard look" at the environmental effects of proposed actions.

Relief: The Forest Service must apply a more specific analysis of the "No Action" alternative and avoid repetitive discussions from other sections.

57. Comment: Entire Section-- After pages of narrative in this section, the effects are not adequately disclosed. Instead, a simple risk assessment is used to evaluate alternatives based on the predicted levels of future timber harvest and road construction. At a very minimum, the effects analysis should include variables, such as average expected stream crossings and culverts required per mile of road constructed or reconstructed. This would at least provide the reader a sense of how the alternatives differ and their potential adverse impacts. On a national average, how many miles of road are required per million board feet of timber harvested? How is the reader expected to evaluate the discussion and comment when this information is not disclosed?

Relief: The Forest Service must provide a quantitative evaluation of the effects and consider applying the data on "miles of road/million board feet" of timber harvested.

Terrestrial and Aquatic Plant Species

58. Comment: Page 3-88, Alternative 1-- The discussion provides an assumption that 50% of inventoried roadless areas could be affected through road construction in the next century. This is simply an extrapolation of historical trends and provides a misleading conclusion. The error in extrapolating data in this manner is that it does not indicate that trends in road construction have declined significantly over the past two decades. This factor was not taken into account. In fact, the probability is extremely low that this much road construction will take place in the future. There are many laws, regulations, and planning efforts that will determine the need for roaded entry, as well as, protection measures for any sensitive or critical species, ecosystem, or habitat.

Relief: The Forest Service must provide an objective evaluation of effects and assumptions. The

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argument supports that the disposition of roadless areas needs to be addressed at the local level, not through a national rule.

59. Comment: Entire Section-- States and local governments have concurrent jurisdiction over many issues, and primacy over many others, that are interwoven and incapable of separation from any realistic examination and disclosure of effects. In this case, states and county weed boards have jurisdictional responsibilities for the containment and control of invasive non-native plants, e.g., noxious weeds. This includes lands administered by the Forest Service. Again, no consideration or discussion is given of how this proposal could affect local control of noxious weeds in these roadless areas: Will there be increased costs associated with noxious weed management incurred because of the proposed restrictions on roads in current roadless areas? These issues need to be discussed and disclosed.

Relief: The Forest Service must address the impacts to state and county weed control boards. The distribution list for this document indicates that they were not sent a copy for review. This provides further support that the decision must be made at the local level to insure input from these important entities.

Threatened, Endangered, Proposed, and Sensitive Species

60. Comment: Entire Section-- This entire discussion appears to blame the demise of species on road construction and timber harvest. On Page 3-92, the bullet list has no reference of how this information was developed and how the conclusions were drawn. In order to put this in perspective, the analysis fails to assess other potential reasons species become threatened or endangered. In fact, the Fish and Wildlife Service data base for the year 2000 suggests that many of the species being listed, or considered for listing, are located in areas where timber harvest and road construction does not occur. Many of the species are impacted by agriculture uses, water depletion, population growth and development, and commercial activities (e.g. commercial fishing). The Forest Service needs to conduct an assessment of how many species are actually affected by road construction and timber harvest, rather than, inferring that roadless areas are the only place left on earth that these species do and can survive. Many other areas of the National Forest System support the conservation of T&E species.

Relief: The Forest Service must evaluate the impacts of the alternatives on T&E species in a more objective manner. This analysis must address other factors, as well as other areas, that support the conservation of T&E species.

61. Comment: General-- The requirements of section 7 of the Endangered Species Act clearly provides for the protection of all proposed and listed species. Any proposed roads in unroaded areas would have to undergo consultation and receive concurrence from the U.S. Fish and Wildlife Service that the proposed roads would not adversely effect or jeopardize listed species or their critical habitat. To infer, as this section does, that the proposed ban on future roads in itself will be beneficial to all threatened, endangered and Forest Service sensitive species and their habitats, without disclosing a supporting Biological Assessment is misleading.

Relief: The Forest Service must disclose the process that currently exists and how it contributes to conservation of T&E species for all projects on the national forests.

62. Comment: Page 3-92, second paragraph-- Threatened, Endangered, Proposed, and Sensitive

Species need to be defined. None of these terms can be found in the glossary. In addition, there is no reference where the species in Appendix C reside locally--identification of Forest Service regions is lacking in specificity.

Relief: The Forest Service must define these terms and include them in the glossary. Also, Appendix C must disclose the counties where these species may be found.

Forest Health

Fuel Management

63. **Comment:** General-- This is one of the most objective analyses completed in the entire document. However, there are still some questions and analysis that must be addressed in order for local governments to adequately determine the effects on communities.

64. **Comment:** Page 3-100, bullet list-- This list does not address: 1) The risk and probability of low priority large catastrophic fires starting in and burning out of roadless areas threatening public safety and property; 2) potential damages to watersheds and other resources, such as those occurring as a result of the 1988 fires; 3) potential for recovery and salvage of forest products (burned timber) and their subsequent lower values; and 4) using Ponderosa Pine forests as the standard of measure for fuel reduction does not address how to manage fire hazard in long-interval Lodgepole Pine and Spruce forests.

Relief: The Forest Service must address these issues in the Cumulative Effects section.

65. **Comment:** Page 3-103, second paragraph-- The statement suggests that the Forest Service hopes to make substantial reductions in the number of acres rated at moderate to high risk from catastrophic wildfires. Page 3-103 suggests mechanical treatment (thinning, chipping, hand piling, dozer piling, yarding, helicopter logging, mastication, mowing, and crushing fuels) may be needed in most high-risk areas and 50% of moderate risk areas. A simple conclusion should be made that many of these treatments will result in the same impacts as road construction and timber harvest. So, why are they different? After all, these activities will create disturbance, changes, and fragmentation of habitats.

Relief: The Forest Service must explain why the activities they propose are less impacting than those traditionally used to manage the national forests, such as, roads construction, reconstruction, and timber harvest.

66. **Comment:** Page 3-107, Cumulative Effects-- The cumulative effects discussion on Page 3-107 fails to address the potential impacts of catastrophic fires on public safety, property, and health (air quality). There are potential effects on local governments for the need to construct fuel and fire breaks around communities, increase training of fire personnel in wildland firefighting, procurement of specialized wildland firefighting equipment, and higher levels of disaster planning for communities.

Relief: The Forest Service must consult with local communities to adequately evaluate and disclose the effects of catastrophic wildfire on public safety, health, and impacts.

67. **Comment:** Page 3-104, fifth paragraph-- Many acres of forest fuels have traditionally been

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treated through the use of timber sale generated funding. Brush disposal funds are authorized for fire hazard reduction on timber sale areas. An added benefit is often the concurrent reduction of natural fuel loading within the sale area at the same time. It is questionable if the Forest Service will have the funding available, without a viable timber sale program, to conduct any effective fuels treatment program in roadless areas if the "Proposed Action" is implemented. How will the Forest Service replace these funds?

Relief: The Forest Service must address the impacts of less timber sale generated funding for fuel reduction, e.g., brush disposal funds.

68. **Comment:** Entire Section-- This section relies heavily on a fuels reduction program to mitigate the effects of decreased roading and timber harvest. Although the effects analysis acknowledges the substantial increases in costs, no disclosure is made as to where the resources to implement the proposal will come from, e.g., personnel, equipment, etc. Many factors influence the availability of these resources, such as, extended fire seasons, reduced budgets, hiring limitations, and qualifications of people in the fire organization. These are factors that must be addressed and that cumulatively have severe impacts on any roadless area fuels reduction program.

Relief: The Forest Service must address the impacts of these potential shortages necessary to accomplish fuel reduction objectives.

Insects and Disease

69. **Comment:** Page 3-109, Cumulative Effects-- The cumulative effects discussion reflects a complete analysis that other disciplines should use. The facts are accurate that trees killed by insects and disease will add to the fuel loading, burn through all or part of the areas, have more severe impacts on soil and water resources, increase the government's liability for insect and disease epidemics if spread to adjacent private land, and incur higher costs for treatment without road construction.

Relief: None

Reference Landscapes

70. **Comment:** Entire Section-- The current forest planning process addresses the concept of "reference landscapes" through identification, evaluation, and allocation of Research Natural Areas. This concept appears to be a duplicate effort intended to justify the "Proposed Action". None of the "adaptive management" concepts discussed identify road management and design concepts or timber harvest management or design concepts.

Relief: The Forest Service must clarify the difference between "reference landscapes" and "research natural areas" and address the authority for creating another land management allocation. Also, address why adaptive management principles cannot be used for road construction, reconstruction, and timber harvest.

Human Uses

Timber Harvest

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71. **Comment:** Page 3-114-- The discussion relating to Allowable Sale Quantity (ASQ) is a classic example of a double standard. Under the current forest planning regulations, ASQ's are set during the initial planning process and have been reduced significantly through national direction on clearcutting, ecosystem management, NW Forest Plan, and the Forest Service Natural Resource Agenda. A great amount of analysis was used to determine these harvest levels and required NEPA documentation. However, little to no NEPA analysis was used to evaluate the effects of reduced harvest levels due to national direction listed above. Consequently, there have been significant impacts to communities, potential adverse environmental impacts to Canadian forests and private lands, and financial hardships to the timber industry. Furthermore, this document proposes to reduce timber harvest levels even further and still does not evaluate the cumulative impacts of harvesting in Canada and on private lands. In addition, the document fails to address the financial feasibility of helicopter or long cable yarding, impacts to the limited range of these yarding systems (see comments under Agency Management Policies and Administrative Factors for a discussion on impacts to roadless areas and the very probable result that these harvests will never occur), the reduced value of timber proposed for salvage, and feasibility of not using roads, even on a limited basis. Basically, the five year effect of reducing the offer from 1.1 billion board feet to 300 million board feet in roadless areas is not addressed. This accounts for another 27% reduction in the timber sale program from roadless areas and another 10% of the total national forest timber sale program.

Relief: The Forest Service must disclose the realistic effects of a continuing decline in the timber sale program to local communities.

72. **Comment:** Page 3-115, Alternative 2, 2nd paragraph-- This discussion states that the effects on the mix of stewardship and commodity purpose timber harvest is unknown. Why? With the resources the agency has to prepare this document, it's Natural Resource Agenda, and all the scientific knowledge it alleges to have, it is inconceivable that the agency cannot determine the effects on the environment, communities, social factors, and harvest levels. If the Forest Service cannot determine these effects it cannot make an informed decision of this magnitude and scope.

Relief: The Forest Service must determine and disclose the mix of stewardship and commodity harvest. Local communities and businesses cannot plan a future without knowledge of the effects that this Federal decision will have on them.

73. **Comment:** Page 3-112, second paragraph-- A very important element missing from the analysis is a discussion of the suitable lands that will be affected by the "Action Alternatives". Although "capability" is discussed, e.g., the 20 cubic feet per acre threshold, "suitability" is not discussed. Each Forest Plan in the nation based its Allowable Sale Quantity (ASQ) on the amount of suitable lands available for timber harvest. This involved many factors that included capability, access, spatial distribution, growth rates, logging feasibility and other variables. Effectively removing acres from the suitable timber base due to lack of road access can significantly affect the timber management programs on individual Forests by concentrating harvest on those areas that have been previously roaded and logged.

Relief: The Forest Service must evaluate and disclose how "timber suitability" will be affected. Although timber suitability is not addressed as a factor in the proposed revised planning regulations, they have not been finalized and do not apply to this analysis.

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74. **Comment:** Page 3-114, last paragraph-- Terms such as "even-aged, shelterwood, and seed-tree" need to be defined for the reader. They should also be included in the glossary.

Relief: The Forest Service must include these terms in the glossary.

75. **Comment:** Page 3-115, Alternative 2, first paragraph-- The statement that "under this alternative, timber harvest would continue" is misleading. In a practical sense, costs of alternative forms of harvesting such as helicopters (that still require roads in the immediate vicinity) are prohibitive. As disclosed further on in this section helicopter costs can range from 3 to 5 times higher than "ground-based equipment costs" and still must be with in a mile of a road.

Relief: The Forest Service must provide a realistic analysis of these alternative forms of timber harvest. In addition, identify areas of the country where these alternative forms of timber harvest can be economically supported.

76. **Comment:** Page 116, last paragraph-- The Cumulative Effects section must include a discussion of the effects on the suitable timber base and to Allowable Sale Quantity outside of roadless areas. There also needs to be a disclosure on the cumulative effects that could occur on state and privately owned timber lands as a result of implementing the "Action Alternatives". CEQ Regulations (1502.16) are very clear that the analysis will include discussions of "possible conflicts between the "Proposed Action" and objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned." This discussion is totally lacking.

Relief: The Forest Service must disclose the effects of the "Proposed Action" on ASQ and timber suitability outside of roadless areas. In addition, disclosure must be made on the effects of increased harvest on state and private lands intended to make up for the shortages of volume offered on national forest lands.

Recreation

77. **Comment:** General-- Overall, the entire recreation section needs to be shored up by providing information and data on how many people use roaded areas, unroaded areas, and wilderness areas. Only then can the balance of supply and demand be determined. The assumption on Page 3-125, last paragraph, is that the balance of roaded and unroaded should be 49% and 51% respectively. This is very speculative and a conclusion that has no basis other than it supports the "Proposed Action". The question that must be answered is, "Will this proportion create a large recreation land base for a very small segment of the population?"

Relief: The Forest Service must rewrite this entire section in an objective manner that reflects accurate assumptions and effects.

Dispersed Activities

78. **Comment:** Page 3-117, first paragraph-- The first paragraph under Dispersed Activities is a distortion of past management. Unroaded areas were NOT viewed as banks for future resource development. Where is the evidence for this kind of statement? This statement is an insult to all the previous Forest Service employees and community leaders that had a strong commitment to manage and use forest resources in a wise manner and meet social demands during their watch. The statement that the "...remaining relatively undisturbed landscapes have developed increased

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value in comparison to other lands" is strictly a value judgement of the author and has no foundation. This type of thinking is the reason that local communities are frustrated with Federal management of the national forests. Statements, such as these, are so biased they need to be purged from the document completely.

Relief: The Forest Service must rewrite this section in an objective and unbiased manner.

79. Comment: Page 3-120, third paragraph-- This paragraph makes a statement that "Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas." The Forest Service has been collecting dispersed recreation data for decades--where are the references to the Recreation Information Management (RIM) report prepared annually? The conclusion can be drawn that without the ability to assess environmental consequences based on use, then this decision must be delegated to local agency officials and local governments who have the information.

Relief: The Forest Service must either find and disclose this information or delegate the decision to local officials who have the information.

80. Comment: Page 3-121, last paragraph-- This paragraph states that the alternative of "Prohibiting All Activities" was considered but eliminated from detailed study because decisions of this nature are better made through local planning and collaboration processes. Again, the document lends support that this decision is better made at the local level in cooperation with communities. If the document cannot address all possible alternatives then a decision, such as this, should not be made at the national level.

Relief: The Forest Service must develop and consider a full range of alternatives or delegate the decision to local officials who can meet CEQ Regulations regarding alternatives.

81. Comment: Page 3-122, Alternative 1, first paragraph-- This paragraph states that the "...underlying assumption in Alternative 1 is that inventoried roadless areas, outside of wilderness and other designated areas, are available for resource management activities that may degrade their unroaded characteristics." This assumption is totally false for two reasons: 1) The document itself (Page 3-1, Overview of Inventoried Roadless Areas) states that "...road construction and reconstruction is already prohibited on about 20.5 million acres," and 2) forest plan prescriptions govern which activities are allowed to take place and which are prohibited within given areas of a National Forest. If this assumption was used, as stated, then this analysis has little credibility to adequately determine effects of any of the alternatives.

Relief: The Forest Service must eliminate this assumption and develop an assumption that reflects an accurate scenario. The assumption, as written, will significantly overestimate the effects of road construction, reconstruction and timber harvest in the "No Action" alternative and underestimate the effects on the prohibition alternatives.

82. Comment: Page 3-122, Alternative 1, second paragraph-- This paragraph states that the demand for dispersed recreation is increasing in an environment that is decreasing. This is a supply and demand question. The supply (environment) is decreasing by only one half of one percent per year. On Page 3-117 it states that "A small segment (approximately 3 million acres) of the inventoried roadless areas have become developed with classified roads, recreation sites, and other constructed features causing a shift to the more developed end of the spectrum." The

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reason can be attributed to the statement made on Page 3-9 that says "The demand for high quality recreation experiences on public lands will continue to rise across a broad range of activities. These activities include motorized use such as off-highway vehicles and snowmobiles, and non-motorized uses..." In addition, on Page S-37, it states that the "Demand for dispersed, developed, and road dependent recreation is increasing." We know that the supply is declining slowly. At what rate is the demand increasing? These two factors need to be displayed in a graphical illustration to determine the trends of each.

Relief: The Forest Service must clarify this section in order to provide factual information and eliminate inconsistencies. Also, what is the impact of supply and demand on local communities who depend on a diversity of recreation activities?

Developed Sites and Road Dependent Activities

83. Comment: Page 3-126, first paragraph-- This paragraph states that "As classified and unclassified roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." How can the Forest Service conclude this when they state on Page 3-245 that "...the proposed prohibition on road construction would reduce road-caused irreversible and irretrievable commitments to ... dispersed recreation activities in inventoried roadless areas..." Irreversible means you cannot go back but the text indicates it's possible. The Forest Service cannot have it both ways.

Relief: The Forest Service must clarify these discrepancies.

84. Comment: Page 3-122-- In order to evaluate a full range of alternatives this analysis must consider other alternatives that allow roaded recreation opportunities in inventoried and uninventoried roadless areas under existing or more restrictive environmental regulations.

Relief: The Forest Service must develop and analyze alternatives that address basic road management concepts, rather than prohibitions.

85. Comment: General-- No discussion has been given to the effects of maintaining, managing, or decommissioning the unclassified roads that currently exist in roadless areas. What are the effects of the loss of recreation opportunity if they are eliminated?

Relief: The Forest Service needs to assess the effects of this question and impacts to local communities that depend heavily on recreation activities.

86. Comments: General-- The proposed alternatives essentially eliminates future roaded recreation opportunities in roadless areas. This is, in fact, a land allocation decision that must follow the National Forest Management Act (NFMA) regulations, rather than, simply a disclosure through NEPA.

Relief: The Forest Service must allow these issues to be addressed in the land management planning process at the local level.

Recreation Special Uses

Dispersed Activities and Developed Sites and Road Dependent Activities

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87. **Comment:** General-- The Forest Service issues special use authorizations for many recreational activities. The authority to issue special uses is based on existing regulations (36 CFR 251.53). In this case the "Proposed Action" would place a freeze on all future special uses involving construction or reconstruction of roads within roadless areas. Essentially, any recreational special use project or facility in roadless areas that requires motorized access through a new or improved road is frozen. Outfitters, ski area operators, tour operators and other permitted activities will be affected. As disclosed on page 3-131, third paragraph, even currently proposed projects that will not have a decision in place before implementation of the proposed rule will not be exempt.

Relief: The Forest Service must analyze and disclose the effects of these proposed limitations on current and future permitted commercial and recreational uses.

Scenic Quality

88. **Comment:** Page 3-133, Alternative 1-- The document states that "...modifications to the landscape will be most severe in this alternative because there would be no national prohibitions as a screen during planning." This statement is untrue and very misleading. It is obvious the author does not understand that in the forest planning process areas were assigned "Visual Quality Objectives" or "VQO's." It appears this concept has been replaced by Landscape Character Goals and Scenic Integrity Objectives. Whatever they are called, objectives are identified as standards in the forest plan and managers do not have the discretion to violate them without amending the forest plan (through NEPA processes). These are not national prohibitions, but local planning standards that have the effect of an appealable issue.

Relief: The Forest Service must accurately disclose the current planning process and how scenic quality is addressed as a forest plan standard.

89. **Comment:** Page 3-133, Cumulative Effects-- As has been documented many times in previous sections, the potential for catastrophic fire and insect and disease outbreaks will increase under the "Proposed Action" alternatives. Entire viewsheds can be completely altered in a matter of a few hours. The effects of this potential must be disclosed far more thoroughly than simply stating (Page 3-133, fourth paragraph), that in the long run, scenic integrity could be maintained or improved.

Relief: The Forest Service must specifically address the effects of insect disease outbreaks and catastrophic and large fires on scenic quality. The effects disclosure is not adequate to compare alternatives.

Heritage Resources

90. **Comment:** Entire Section-- It has been well documented that a majority of culturally significant sites on National Forest lands have been discovered due to activities associated with road construction, reconstruction, and timber harvest. In response to Executive order 11593, charging federal agencies to inventory all lands for cultural properties, the effects of the prohibition alternatives must be disclosed.

Relief: The Forest Service must disclose the effects of the prohibition alternatives on Executive Order 11593.

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91. **Comment:** Entire Section-- There is no cumulative effects analysis for this section.

Relief: The Forest Service must conduct a cumulative effects analysis for all alternatives as required by CEQ Regulations.

Wilderness

92. **Comment:** Page 3-137, fourth paragraph-- Even though the document contains a disclaimer at the bottom of Page 3-137 regarding buffer zones around wilderness, the argument presented for preserving roadless areas looks, smells, and sounds like a buffer zone. The text states, "These areas (roadless) serve as a natural transition between lands affected by resource management activities and lands affected substantially by natural processes" and "...the additional distance from intense management activities provides more opportunities for natural processes to occur uninterrupted" supports the idea that they are being supported as buffer zones.

Relief: The Forest Service must delete any discussion and reference to "buffer zones" around wilderness. Many state wilderness acts also prohibit the management of surrounding areas as "buffer zones" to further protect wilderness.

93. **Comment:** Page 3-138, second paragraph-- The discussion references threats to wilderness character. What are they? They are not specifically identified but simply identified as threats.

Relief: The Forest Service must identify and disclose what these effects are.

94. **Comment:** Page 3-138, third paragraph-- This paragraph states that "...roadless and other unroaded areas...are still the reservoir for future designated wilderness areas." However, Page 2-17 concludes that the alternative of "Recommend All Inventoried Roadless Areas for Wilderness Designation" was eliminated from further consideration because "Most of the inventoried roadless areas in question have already been evaluated for wilderness in the land management planning process and it was determined for various factors that those areas should not be designated as wilderness." These statements severely contradict one another and the perception is that considering roadless areas as reservoirs for future wilderness is merely further justification for the "Proposed Action".

Relief: The Forest Service must eliminate these discrepancies and provide an objective analysis of the alternatives.

95. **Comment:** Page 3-138, Alternative 1-- This discussion states that the "...trend of shifting human patterns, increased resource management activity, and reduced ecological integrity in and around potential and designated wilderness will increase the threat to their wilderness character." The United States has had wilderness since the Wilderness Act of 1964 was passed by Congress. Why all of a sudden do we now have a problem?

Relief: The Forest Service must provide evidence where these so called threats have compromised the integrity of the wilderness preservation system since the inception of the Wilderness Act in 1964.

96. **Comment:** Page 3-139, Cumulative Effects-- The section addressing cumulative effects states that roadless areas will be managed "...in perpetuity unroaded." Only Congress has the

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authority to decide on such an action. Finally, the last paragraph under Cumulative Effects states that preserving roadless areas "...will reduce controversy and result in more stability." Other past initiatives, such as RARE I, RARE II, forest planning, the Wilderness Act, Collaborative Stewardship, and others were intended to accomplish this same objective.

Relief: The Forest Service must delete the statement that this rule is ensure roadless areas will be managed in perpetuity. Also, the Forest Service must provide evidence that this rule will reduce controversy and result in stability more effectively than any other effort initiated in the past.

97. **Comment:** Page 3-138, Alternatives-- The Draft EIS should consider an "action alternative" that exempts all roadless areas that have been reviewed and analyzed during the normal forest planning process. This will include all national forests that have completed management plans and have addressed the conditions and status of inventoried roadless areas.

Relief: The Forest Service must develop an alternative as described above.

98. **Comment:** General-- A fundamental flaw in this entire process is that the Roadless Areas Review (RARE I and II) the Forest Service is using as the basis for this "Proposed Action" were never intended to evaluate roadless areas. They were intended to evaluate wilderness characteristics for possible additions to the National Wilderness Preservation System. Also, see Chapter 1 Review, Comment Number 8.

Relief: The Forest Service must use the forest planning process to determine the values and needs of roadless areas, rather than, simply extracting a process intended for evaluation of wilderness character.

Real Estate Management

99. **Comment:** Page 3-141-- There is no cumulative effects section for Real Estate Management. The reader is left with no sense of how special use holders, both with and without current "valid existing rights" will be affected over time by the "Proposed Action". The questions that must be addressed are: How will new applications and proposals for electronic sites, municipal water reservoirs, irrigation diversions etc. be handled under the prohibitions? How will existing permits be handled? What effect will these have on local communities that rely on these uses for administration and providing services to the public?

Relief: The Forest Service must develop a Cumulative Effects section for this and address the questions presented.

Minerals and Geology--Locatable, Leasable, Salable, and Abandoned and Inactive Mines

100. **Comment:** These sections are some of the most objectively written in the entire document.

Relief: None

101. **Comment:** General-- Motor vehicle access within the National Forest System is integral to conducting mining and explorative operations. Without roads there is no reasonable practical access and without access there is no way that exploration, development of infrastructures, and transport products to market can take place.

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Relief: The Forest Service must analyze the effects of prohibiting roads on the exploration, development, and transportation of raw mineral materials.

102. **Comment:** Page 3-145, last paragraph-- Under the Cumulative Effects section, a disclosure is made that the "Action Alternatives" may reduce revenues to federal, state, and local governments, but the magnitude is unknown. .

Relief: The Forest Service must analyze this effect in more depth with quantifiable data presented and evaluated. Local communities depend on this information and cannot make a reasonable assessment with quantifiable data.

103. **Comment:** General-- When taken in context, the "Proposed Action" could be considered a "de facto" mineral withdrawal. Such an action would require the Forest Service to follow FLPMA withdrawal procedures. Case law established in the Wyoming District Court concluded the Forest Service and BLM withheld action on applications for oil and gas leases while the lands were being considered for possible inclusion in the wilderness preservation system. The District Court in Mountain States Legal Foundation v. Andrus, 499 F. Supp. 383, determined that this refusal to act on the leases was an illegal "de facto withdrawal" of these lands.

Relief: The Forest Service must address this issue and determine if they are violating case law and creating "defacto withdrawals."

Fire Suppression

104. **Comment:** General-- This section is well written and analyzed. However, there must be discussion on the effects all alternatives will have on fire suppression tactics. For example, will dozers be prohibited? How will burned area rehabilitation be accomplished? Are roads acceptable for fire suppression when public safety and property are not threatened?

Relief: The Forest Service must identify those fire suppression practices that are acceptable.

105. **Comment:** General-- Natural events, such as fire, transcend political and administrative boundaries. Any analysis must consider the effects of fires "boundary-less behavior. The alternatives must be analyzed in context of the direct, indirect and cumulative effects on entire ecosystems and just not on Forest Service administered lands. The wildland urban interface, air quality, and any anticipated impacts to private landowners and private inholdings are all issues that must be disclosed. This section is well written and has a good deal of supporting data and information, but does not adequately disclose predicted effects with the "hard look" that is required by CEQ Regulations.

Relief: The Forest Service must address the effects of the risks identified relating to the wildland urban interface, air quality, and other private and public ownerships.

106. **Comment:** General-- For many decades, wildland fire management and suppression decisions have been made by interagency fire teams that often include local rural fire departments and state fire personnel. The Federal Fire Management Guide (1998) states that "Full collaboration among Federal agencies and between Federal agencies and state, local, and private entities is prerequisite to successful program implementation as costs increase and workforces decrease." This leads the reader to ponder why the analysis completely ignores this

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partnership and interdependency in the fire suppression section. What are the potential effects to other fire suppression organizations of this "Proposed Action"? It only seems reasonable that this spirit of partnership be extended in the preparation of this rule making process. Decisions made in this roadless evaluation affect not only Forest Service Fire Operations, but also the operations of many other agencies and local fire departments. They need to be directly involved.

Relief: The Forest Service must include local and state fire departments in the development of alternatives and analysis of effects.

Social and Economic Factors

Wildland Values

107. **Comment:** Entire Section-- This section is so biased that an adequate evaluation cannot be conducted. Some, and probably many, people value wildlands for values other than roadless and these are not addressed. In fact, the footnote at the bottom of Page 3-161 suggesting that people do not distinguish between wilderness and roadless areas is an understatement. Most people who live in urban areas consider the national forests as "wilderness"--roads, timber harvest areas, resorts, campgrounds, and all. The quotations support only the side that supports preserving roadless areas and does not provide an objective evaluation of all sides to the issue. To infer that the Forest user that enjoys motorized recreation or the senior citizen that is required to have motorized access to enjoy his or her National Forests is not appreciative of wildland values is extremely narrow minded and exclusionary. In addition, the polls referencing that Americans support prohibitions against road construction and timber harvesting are very one sided. Other polls have indicated a much more middle of the road feeling of the American people. What is ironic is that this section reinforces the perception that "everything as we see it today, is the way it always was, and always will be." Natural forces will continue to operate and eventually shatter this image we have of nature. Finally, this section states that it will not discuss "scenic quality" since it is addressed elsewhere. Why then is "water" and "air quality" analyzed even though it is addressed elsewhere? The disparity does not make sense.

Relief: The Forest Service must rewrite or eliminate the biases of the author. It simply is not an objective evaluation of wildland values.

Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

108. **Comment:** Page 3-166, last paragraph-- A significant flaw is displayed in this discussion. It states that "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (ROS) (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve 50% of National Forest System Lands in roadless character for a relatively small percent of the population that will use them?"

Relief: The Forest Service must address this question on proportion of users and amount of area needed for roadless recreation.

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109. **Comment:** Page 3-168, third paragraph-- This discussion references that access to private lands for public recreation is expected to decrease in the future. If this is the case, why is the Block Grant Hunting Access Program in Montana and Wyoming a resounding success? Millions of acres of private lands are being opened to public access under these programs.

Relief: The Forest Service must clarify this assumption and address other contributions to increased access in the past few years.

110. **Comment:** Page 3-170, Alternative 1-- There needs to be a section that displays the financial contribution of roaded vs. unroaded recreation to local economies. Studies have shown that roaded recreational users contribute more dollars to local economies than unroaded recreational users. Since this document supports roadless area uses, then local governments must know what the impacts will be to local economies as a result of the "Proposed Action". The conclusion will most likely illustrate that roaded recreation contributed more to local economies than roadless recreation. In addition, Alternatives 2-4 do not address recreation jobs, economic contributions to economies, etc.

Relief: The Forest Service must analyze and disclose financial contributions of both roaded and unroaded types of recreation to local economies.

111. **Comment:** Page 3-170, Alternative 1, second paragraph-- This paragraph states that the "No Action" alternative will "increase opportunities for recreation activities in the more developed ROS (Recreation Opportunity Spectrum) classes at the expense of opportunities in the undeveloped ROS classes." What is the proportionate uses of each of these classes? The land base is proposed to be split 50/50 but what is the proportion of use? An analysis would most likely determine that a very large portion of the land base will be preserved for a very small number of users.

Relief: The Forest Service must clarify this assumption and disclose what is an acceptable distribution of the land area being analyzed.

112. **Comment:** Page 3-171 and Page 172-- The effects analysis must recognize that the inventoried and uninventoried roadless areas currently provide some level of motorized recreation on "unclassified roads." This use must be evaluated in order to adequately disclose effects. Any decision to restrict use on these roads must be based on a complete and thorough inventory of all existing roads and use levels. Without this determination it is impossible to accurately evaluate the impacts of the alternatives.

Relief: The Forest Service must conduct an inventory of these uses on a local basis and disclose the effects the "Proposed Action" will have on local motorized recreation and communities. In addition, to evaluate a full range of alternatives this document must consider action alternatives that allow roaded recreation opportunities in inventoried and uninventoried roadless areas under existing or more restrictive environmental regulations

Hunting and Fishing

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113. **Comment:** Page 3-176, second paragraph-- This paragraph is immaterial to the discussion on hunting and fishing. What do cavity nesting birds and mammals, T&E species, and carnivorous species have to do with hunting and fishing?

Relief: The Forest Service must delete this discussion as it is not germane to the topic. Furthermore, it may lead individuals and groups to an inaccurate conclusion that these are huntable species.

114. **Comment:** Page 3-176, third paragraph-- This paragraph states that roads facilitate illegal poaching of many big game animals and increase the incidence of mortality from road kills. Is this really a problem? How many large animals are killed on low speed forest roads?

Relief: The Forest Service must address the significance of this potential impact. It is an unreferenced assumption.

115. **Comment:** General-- To present a meaningful discussion of effects on hunting and fishing, some quantifiable predictions of increases or decreases in hunting and fishing recreation users days must be provided. Current use figures are presented in the Affected Environment section (page 3-173). To simply conclude that the "Action Alternatives" are going to somehow benefit hunting and fishing is far from a true disclosure of effects. States are charged with regulations associated with hunting and fishing and this should have been considered in a Cumulative Effects section which is missing. The conclusion drawn (Page 3-176, third paragraph) that the "No Action" alternative would result in declines in game populations, decreases in encounter rates for hunters, and then to a reduction in hunting quality is simply mind boggling. Considering the fact that big game populations are at near or record highs over much of the West, a reasonable person would seriously question this conclusion. Where is the data or research to support such a broad sweeping conclusion?

Relief: The Forest Service must address these assumptions in an objective manner. Conclusions and assumptions such as these can result in modifications of hunter use and further economic impacts to communities. Harvest figures from National Forest System Lands for both hunting and fishing are lacking. These figures are published annually by State Fish and Wildlife Departments and would be very easy to compile and extremely helpful to the reader.

116. **Comment:** General-- What are the differences in such variables as harvest levels, hunting and fishing days, and harvest per hunter or fishing day between roaded and unroaded areas? This data is available and can normally be easily separated. At least a sample from the National Forest System should have been disclosed. That way some basis for conclusions and predictions of effects could be made.

Relief: The Forest Service must provide this information in order for local governments and communities to adequately assess impacts.

117. **Comment:** Page 3-173, second paragraph-- The revenues generated from hunting and fishing were disclosed in the Affected Environment section with no follow up analysis in the

effects section. Hunting and fishing generated revenues are extremely important to many rural communities across this country. The analysis must address the financial contributions of roaded and unroaded hunting and fishing to local communities. How much does unroaded vs. roaded hunting and fishing contribute to local economies?

Relief: The Forest Service must evaluate and disclose all effects that may impact hunter and or fishing days. A determination must then be made to disclose the cumulative effects on local economies.

Livestock Grazing

118. **Comment:** Page 3-178, Alternatives-- This discussion needs to address the potential effects on the construction and maintenance of range improvements, such as stock water developments, fences, salting, vacant grazing allotments, etc. Furthermore, this section does not address the impacts of motorized use for managing livestock distribution. The decommissioning and obliteration of existing low impact roads will further limit current access for management of allotments.

Relief: The Forest Service must address and disclose the effects of the alternatives on these activities.

119. **Comment:** Page 3-178, Alternatives-- Allotment management plans for each grazing allotment are approved using the NEPA process. In some cases decisions have been made that conflict with the proposed rule. For example, the allotment management plan might approve the use of an existing unclassified road. The Notice of Intent for this rule recognizes that these roads currently exist and are being used. Failure to effectively maintain and monitor these roads is a violation of the spirit and intent of NEPA and the terms of Forest Service issued grazing permits.

Relief: The Forest Service must address and disclose the future disposition and use of these roads. Any decisions regarding these unclassified roads must disclose the environmental and economic effects. Potential impacts include increased costs of managing and administering grazing allotments.

Non-Timber Forest Products

120. **Comment:** General-- It is difficult to discern effects when there is no discussion on the amount of demand for these non-timber forest products. The fact that demand exists is not enough information to conduct an assessment of effects.

Relief: The Forest Service must analyze and disclose the demand for these products, contributions to local economies, and effects of the prohibition alternatives.

121. **Comment:** General-- Traditionally, ranchers and other rural residents have depended on the timber harvest program to access post and pole and firewood material for personal and commercial use. They are normally purchased for a small fee that includes a permit. Over time,

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most of the accessible areas have been utilized. The proposed prohibitions will impact rural residents directly by curtailing the opportunity for future purchase of permits for firewood and post and poles in roadless areas. This proposed rule if implemented would result in increased operating costs accessing non-timber forest products (Page A-21). Roads are essential for the harvest of non-timber forest products.

Relief: The Forest Service must evaluate and disclose the effects the "Proposed Action" will have on rural communities who depend on these miscellaneous forest products for income (sales), domestic use (heating) and business use (fences).

Timber Harvest

122. **Comment:** General-- In the Recreation, Wilderness, and Ecosystem sections it advocates the use of roadless areas for reserves. Why aren't roadless areas considered reserves for future timber production? If this concept is considered for other resource areas it should be considered for timber resources.

Relief: The Forest Service must conduct the analysis equally across all resource uses. An alternative considering roadless areas as timber reserves is as appropriate as other areas advocating this concept.

123. **Comment:** Page 3-190, last paragraph-- The Forest Service states that the national prohibitions would reduce uncertainty in communities with regard to timber supply. But, on the other hand, this document cites numerous times how little this proposal will effect timber supply--by only 1.1 billion board feet over 5 years. Either it's significant or it isn't.

Relief: The Forest Service must address the significance of timber offer reductions to local communities, including, the cumulative effects of other national initiatives, such as the Draft Strategy, ecosystem management, etc.

124. **Comment:** General-- The proposed prohibitions will eliminate roaded access in roadless areas and essentially preclude timber harvest in roadless areas within the National Forest System. The Forest Service will also be precluded from making any future land allocation decision during local Forest Planning that might allow road construction, reconstruction or timber harvest in inventoried roadless areas. This proposal has the potential to severely impact the timber industry and is in conflict with many of the laws and authorities for which the National Forests were originally created such as the 1897 Organic Act, the Multiple Use-Sustained Yield Act of 1960, and the National Forest Management Act of 1976. The environmental effects section of the document (Table 3-42, page 3-186), estimates that implementation of the "Proposed Action" would result in an annual reduction of timber volume offered for sale of 120.5 million board feet, a loss of 740 direct jobs and 1,381 total jobs, a reduction in direct income of \$32,859,000 and total income of \$58,364,000, and a reduction of payment to states of \$3,766,000 annually. There is no discussion of effects for Alternative 1--it is merely a discussion of how effects will be assessed.

Relief: The Forest Service must verify these figures with local governments and determine the

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cumulative effects of the prohibition alternatives. In addition, the Forest Service must address the appearance of conflicts between this rule and the many laws governing national forest management.

125. **Comment:** General-- A very important element missing from the analysis is a discussion of the lands suitable for timber harvest that will be affected by the "Proposed Action". Although "capability" is discussed (20 cubic feet per acre), "suitability" is not discussed. Each Forest Plan in the nation bases its ASQ on the amount of suitable lands available for timber harvest. Determining suitability involves many factors including capability, access, spatial distribution, timber growth, logging feasibility, potential conflicts with other resources, etc.

Relief: The Forest Service must analyze the impacts of removing acres from the suitable timber base due to lack of road access. The result can significantly affect timber management programs and options on individual forests by concentrating harvest on areas that have been previously roaded and logged. This must be discussed and fully disclosed.

Energy and Non-Energy Minerals

126. **Comment:** General-- The discussion of impacts does not address jobs, income, and revenues to local communities. One cannot make a reasonable assessment of impacts without this information. Furthermore, this section does not address cumulative effects as required by CEQ Regulations.

Relief: The Forest Service must analyze and disclose the direct and indirect effects of the "Proposed Action" on jobs, income, and revenues to local communities.

127. **Comment:** General-- The proposed prohibitions have the potential to adversely impact energy and non-energy exploration and production. Roads are necessary for drilling machinery, heavy equipment, and pipelines for transportation of products. Without the option of road construction and reconstruction, energy and minerals exploration and production will be severely curtailed within roadless areas. If the proposed rule is implemented the Forest Service will be precluded from granting the necessary special use permits required for road access. Exploration and development costs will be increased for all types of mineral development, but particularly for leasable minerals as disclosed on Page 3-194. In addition, it is unclear if lessees with current existing valid rights in roadless areas would be precluded from exercising road building options.

Relief: The Forest Service must address the issues presented and clarify the disposition of existing valid rights. Also, a determination needs to be made on the effects of the "Proposed Action" on the contribution of energy resources to local communities.

Road Construction

128. **Comment:** General-- Any decision to eliminate road construction and reconstruction in all roadless areas nationally though one rule making procedure could have profound effects on local communities and local residents. The effects on state and local jurisdictions for noxious weed control, water rights, fish and game management, mineral leases, domestic grazing, recreational

special uses, county predator control boards, and many others, are simply not disclosed. There is much discussion throughout the document on "valid existing rights" but no disclosure on what actually constitutes a "valid existing right".

Relief: The Forest Service must disclose the effects and impacts on local communities and their jurisdictions as a result of prohibiting road construction.

129. **Comments:** General-- Any decision to eliminate road construction and reconstruction in roadless areas is, in fact, a land allocation decision because it precludes future options that require the use of new roads within the area. As such, this process must follow the planning rules as defined in the National Forest Management Act (NFMA).

Relief: The Forest Service must withdraw this proposed rule and delegate the disposition of roadless areas to local officials in the forest land and resource management planning process as defined by NFMA.

Agency Costs

130. **Comment:** General-- Many references are made that this decision will not increase agency costs for implementation. For example, Table S-1 and Table 2-2 state "...no additional planning costs will be incurred...." However, the statement on Page 3-12 says, "The cost of prescribed fire will also increase, due to greater complexity of resource issues and agency planning requirements." Also, the rule itself (Page A-20) identifies an increase of 11 million dollars in planning costs over the next 5-15 years. This appears to be a broad range of costs.

Relief: The Forest Service appears to have significantly underestimated the costs of implementing this rule. The agency must address increased costs of managing resources in an unroaded setting, e.g., timber harvest, fuel reduction, fire suppression, recreation, special uses, insects and disease, etc. and impacts to local communities, e.g., fire suppression, flow of commodity products, jobs, income, etc.

131. **Comment:** Page 3-200, third and fifth paragraphs-- Two very contradictory statements are made on this page. First, the third paragraph, third sentence states "The costs of fire suppression are not likely to increase" and the last sentence states "...could result in higher suppression costs..." And finally, the statement is made in the fifth paragraph that, "The benefiting user would build most of the roads prohibited by Alternatives 2-4." How can you build roads that are prohibited?

Relief: The Forest Service must clarify these statements.

132. **Comment:** General-- The Forest Service failed to assess the cost of litigating this proposal. It is inevitable that litigation will occur if the Forest Service issues a Record of Decision selecting the "Proposed Action".

Relief: The Forest Service must include the cost of litigating this "Proposed Action" as a cost to the agency.

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133. **Comment:** General-- The estimates in early spring of this year were that this proposed rule making was to cost between \$7,000,000 and \$10,000,000. The funding for this process has been passed on to local National Forests. Forests were required to return funds allocated by Congress for local resource management and planning. This has had a direct impact on local national forests ability to provide goods and services for FY2000.

Relief: The Forest Service must completely disclose the actual costs of this rule making process and an accounting of how unappropriated funding was found to pay for it. Also, the Forest Service must disclose the effects of what resource and planning activities were not accomplished in Fiscal Year 2000 as a result of the Roadless Area Conservation effort.

Civil Rights and Environmental Justice

134. **Comment:** General-- This section adds little to the concerns express by many on the effects of the "Proposed Action" to persons with disabilities. Although this issue is mentioned in the Affected Environment, no disclosure is provided on the effects by alternative made. Laws such as the Rehabilitation Act, as amended, and the American's with Disabilities Act must be addressed and evaluated. Also, reference is made to Native American, hispanic, and asian american cultural sites. These sites are not identified nor is information provided to adequately assess impacts. For example, "How many of these sites exist? Where are they located? What is the level of use?"

Relief: The Forest Service must address the effects on persons with disabilities in the Affected Environment section (Page 3-206, first paragraph) and disclose the effects of the alternatives as required by CEQ Regulation 1502.16. In addition, the questions presented about cultural sites must be answered.

Local Involvement

135. **Comment:** General-- This section does not address local involvement, but is another recitation of why the Forest Service should decide on the "Proposed Action". It simply defends what has been done and provides more rational for implementing the "Proposed Action". For example, the statement on Page 3-200, first paragraph, states that "In reaching its final decision, the Forest Service hopes to reduce the amount of conflict that pervades the local involvement process, and to shift the local discussion about inventoried roadless areas to focus on managing them in a manner prescribed by the final decision." History has shown that this will most likely not happen. Many efforts have been attempted to resolve the wilderness debate and it still rages. Others efforts have been made to resolve timber harvest issues and they still rage. Unfortunately, the overall mission of the Forest Service is leaning towards preservation and farther away from multiple use. The Forest Service appears to be using this issue on conflict and controversy to further the preservation of more lands in our national forests. Too much of the discussion in this document fits the philosophies and arguments of preservation oriented special interests.

Relief: The Forest Service must refocus its priorities to meet the intent of numerous laws governing the management of national forests and emphasize the importance of developing

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partnerships with local governments and communities.

136. **Comment:** Page 3-209, last paragraph-- The last paragraph under Local Involvement projects a short-term undermining of communities' trust in the local involvement process and this trust could be regained over the longer-term. The trends of management direction in the agency towards preservation has eroded trust over the last decade. Other agencies are making similar decisions, e.g., Yellowstone Winter Use, Bison, FWS, etc., along the same philosophical line. As a result of these actions, trust is being eroded rapidly towards the entire Federal government. Since when does a Federal agency have the authority to empower itself to determine what level of conflict and controversy is acceptable in our local communities? If the Forest Service decides on the proposed prohibitions, it will surely result in litigation and leave a lasting legacy of mistrust and suspicion.

Relief: The Forest Service must withdraw this proposed rule and entrust local officials, local government, and communities to conduct the analysis through the forest plan revision process.

137. **Comment:** Distribution List-- The process for preparing, distributing, and reviewing this document has violated basic CEQ Regulations governing the NEPA process. For example, the Forest Service failed to send this Draft EIS to counties where the action is proposed and will have significant effects (see Page 4-9). Instead, the Forest Service sent copies to libraries. Why does the Forest Service continue to fail to recognize that counties are the basic level of government that represent the people? Consultation, input, and special recognition are integral in the NEPA process. The Unfunded Mandates Reform Act of 1995 states, "Each agency shall, to the extent permitted by law, develop an effective process to permit elected officials of State, local, and tribal governments ... to provide meaningful and timely input in the development of regulatory proposals containing significant intergovernmental mandates."

Relief: The Forest Service must withdraw this proposed rule and entrust local officials, local government, and communities to conduct the analysis through the forest plan revision process. In addition, they must recognize local governments as integral participants in the decision-making process and invite them as true partners.

Forest Dependent Communities

138. **Comment:** General-- This section is peppered with many across the board assumptions. The only way to adequately address the effects on forest dependent communities is through local planning. Otherwise, the result will be so broad, as displayed in this document, that local effects cannot be adequately addressed. Wilderness recommendations to Congress are made through local forest planning processes. Wilderness decisions are made at a higher level of government. However, local planning is the vehicle for the recommendations to Congress. Why should this process for roadless areas be any different?

Relief: The Forest Service must address this roadless area issue at the local level through forest plan revisions.

139. **Comment:** Page 3-210, 4th paragraph-- This section discusses the even flow of timber sale

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volume. This has become an issue because the Forest Service has imposed upon local communities lower levels of timber offer using initiatives and mandates that have not been disclosed through the NEPA process. By essentially shutting down the volume of offer in some communities, it has forced local mills to reach out further to sustain the volume necessary to remain in business.

Relief: The Forest Service must address all reasons for the decline in timber offer.

140. **Comment:** Page 3-210, last paragraph-- This paragraph discusses community resiliency as an indicator of a community's health and vitality. Many communities are reaching out to attract a diversity of businesses and diversify their economy. However, the fallacy of the argument presented is that processing timber from a raw material to a final product requires significant capital investments. Communities cannot attract these types of industries without some confidence that the flow of raw materials will be relatively stable.

Relief: The Forest Service must acknowledge that timber flow is an important element of community resiliency and Forest Service decisions have a significant effect.

141. **Comment:** Page 3-211, third paragraph-- This paragraph states that tourism and recreation and other uses of National Forest System Lands can provide considerable sources of jobs, income, etc. The presence of desirable environmental amenities can contribute to an area's population and economic growth. This is true only to a minor extent. Areas like Jackson, WY, Vail, CO, Aspen, CO, Kalispell, MT, etc. have realized these benefits--and not without significant problems (low cost housing, availability of rental housing, low paying jobs in relation to the local economy). Most communities across the West do not contain the strong amenities of a ski area, high elevation, being located inside a national forest, etc. Look at the location of ranger stations across the country--towns like Stanford, MT, Douglas, WY, and Ely, NV. Their locations in relation to the distance to the national forests does not provide the same opportunities as those mentioned above. This paragraph assumes all communities are located within or adjacent to National Forest System Lands. The analysis in this document needs to address the fact that all communities are NOT created equal and impacts will vary. For example, communities with a large ski area and lumber mill are more resilient than communities with only a lumber mill. The Draft EIS does not account for these differences nor addresses impacts at the local level. (This same argument applies to the section on Page 3-216, Economic Diversity).

Relief: The Forest Service must address the issue that not all communities are created equal and are able to develop an economy based on tourism and recreation. Some communities are timber, some agriculture, and others recreation based. Not all can depend on desirable environmental amenities to compensate for dependency on commodity uses of the national forests.

142. **Comment:** Table 3-54 on Pages 3-212 through 3-214 and Table 3-55 on Pages 3-218 through 3-220-- These tables display those communities that may be affected by prohibitions on road construction and timber harvest. What these tables fail to address is, "How many of these communities have economies based on timber that are on the edge of losing that industry?" In other words, for how many communities will this proposal be the "last nail in the coffin" and result in a loss to their economy? This section must address the cumulative effects of numerous

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Forest Service actions that have adversely effected local economies, e.g., reduced ASQ's, Forest Service Agenda, ecosystem management, etc. The Forest Service will only be able to find these answers by consulting with local governments.

Relief: The Forest Service must objectively answer the questions presented and analyze the cumulative effects of other actions, e.g., reduced ASQ's, Forest Service Agenda, ecosystem management, etc.

143. **Comment:** General-- This section goes to great length in defining community factors such as typology, resiliency, and timber dependency among others. What, if any of this information was derived from the communities themselves? Were they even consulted? Most states have community assessment programs that often have current data that was locally obtained. The State University Systems and State Rural Development Agencies also maintain social and economic statistics that have been locally derived. Finally, there is absolutely no discussion of Alternative 1.

Relief: The Forest Service must consult with local governments and acquire data for those communities affected by the "Proposed Action". A discussion of the effects of Alternative 1 must be included.

Effects of the Procedural Alternatives

144. **Comment:** Page 3-223, last paragraph-- This statement admits that the effects of these procedural alternatives are not measurable because it is not known what projects would be proposed or evaluated, what decisions would be made, what land allocation managers would select, and what mitigation measures would be employed. However, these questions can be answered at the local level and again lends support that the analysis and subsequent decisions should be made at the local level.

Relief: The Forest Service must withdraw this proposal and delegate the decision to local officials for consideration in the forest plan revision process. It is incumbent upon the Forest Service to answer these questions in order to make a reasonable decision with full disclosure of the impacts as required by NEPA before attempting to decide on the "Proposed Action".

Short-Term Uses and Long-Term Productivity

145. **Comment:** General-- The Forest Service needs quantitative evidence in this section that proves roads and timber harvest have created significant losses to productivity. A review of timber sale EIS's shows that there are short-term impacts. However, long-term productivity is maintained and even enhanced for many resources and overall forest health.

Relief: The Forest Service must provide quantitative evidence to support the assertions stated.

Mitigation Options

146. **Comment:** General-- Using any form of Rural Development funding to mitigate impacts of

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the "Proposed Action" would create an inequitable balance among communities. For example, many of these dollars are allocated to communities for proactive rural development projects. Now the Forest Service comes along, makes an unpopular decision that will affect communities, and proposes to take funding from proactive communities to mitigate impacts. This is nothing more than "Stealing from Peter to pay Paul." There is no new money to offset the disclosed and undisclosed impacts from the "Proposed Action". Therefore, communities that are currently using this funding to diversify their economy, attract new businesses, or strengthen their resiliency will find themselves stripped of resources while attempting to be proactive. This is because the Forest Service will want to use this funding to react to a decision that appears to be very predecisional.

Relief: The Forest Service must consider other mitigation measures, rather than, siphoning funding from other programs to mitigate the "Proposed Action". If the Forest Service chooses to mitigate this rule with other funds, as described, then a whole new set of impacts must be analyzed--that of determining the effects of taking funding away from proactive communities and redistributing it to communities impacted as a result of this rule.

CHAPTER 4--CONSULTATION AND COORDINATION

COMMENTS ON CHAPTER 4

Consultation and Coordination

1. **Comment:** General-- The Forest Service has failed in this effort to consult and cooperate with local governments, e.g., counties, municipalities, conservation districts, rural fire departments, etc.

Relief: The only option open is for the Forest Service to withdraw this proposal and start over. They must insure that legal and appropriate consultation and coordination with local governments takes place.

Lincoln County

Economic Development Council, Inc.

P.O. Box 621 • 905 West 9th • Libby, Montana 59923 • (406) 293-8406 • (406) 293-3222 Fax

43725



"Michael Kennedy"
<mkennedy@co.missoula.mt.us>

To: <roadlessdeis@fs.fed.us>
cc:
Subject:

07/13/00 11:15 AM

26056
5

July 13, 2000



CAET RECEIVED

JUN 17 2000

USFS Chief Dombeck
USDA Forest Service – CAET
Attention: Roadless Areas
NOI P.O. Box 221090
Salt Lake City, UT 84122

Dear Chief Dombeck:

Because of the roadless moratorium that is currently in effect, the proposed Treasure Mountain Ski Area project in Libby has come to a standstill. The draft EIS for this project, which is currently being funded by a \$275,000 grant from the Federal Economic Development Administration (EDA), has been completed. It is ready for publication and distribution for comment. The EDA has seen merit in this project and views it as a viable option for economic diversification in our area.

However, at the direction of the EDA, the Draft EIS will not be circulated for comment, nor will the project continue, until a decision regarding the roadless areas is made. The remaining grant dollars – taxpayer dollars – will not be spent on an economic development project that may not be allowed to be implemented.

The US Forest Service plays a huge role in our area's economy. It controls the use of the majority of land in Lincoln County. This roadless initiative will negatively impact our economy here. It will tie up land for potential timber sales. Treasure Mountain is an example of how recreational use will be compromised if the initiative is implemented. This roadless plan will hurt Lincoln County in a number of ways. We request that the US Forest Service examine more closely the negative economic impact that this roadless plan will have on our local economy and provide some form of mitigation for its detrimental effects.

The proposed Treasure Mountain Ski Area is a way to strengthen our area's economy. It may not be a panacea for our economic woes, but it would provide employment in the form of approximately 50 jobs and would also serve as a potential catalyst to help turn our economy around. Treasure Mountain Ski Area is important for the Libby area and the northwestern corner of this state.

We respectfully request that if this roadless plan is ultimately implemented, that the Treasure Mountain Ski Area project be exempted from this plan. We have had indications of support for this exemption expressed by our congressional delegation, our governor, and our local county and city officials (some of these letters of support are attached). This economic diversification project needs to be allowed to be brought to completion.

Please forward this request to Agriculture Secretary Dan Glickman.

Thank you for your consideration.

Sincerely,

Carolyn J. Stany
Treasure Mountain Project Coordinator

As a six-year member of the Eastside Ecosystem Coalition of Counties (EECC), I have had the opportunity to learn much about the condition of public lands. Without placing blame, one can conclude that past policies and practices on public lands have resulted in conditions which include catastrophic fire, disease, loss of wildlife habitat, severe erosion, weed infestations, severe reduction of genetic resiliency in floral and faunal species, extinction of certain floral and faunal species, and importantly, losses to resource-dependent communities. Sustainability under those conditions is simply not possible.

After years of scientific research, we have begun to understand the complexities of the public landscape and have taken some actions which will work to reduce the effects of bad policy and practice on public lands. As is the case with any policy change, the effort to adopt a new road and roadless policy has its critics. However, it should be noted that the proposal is not whimsical or political but an honest approach to dealing with severe problems which cannot go unchecked.

Assertions about the lockup of public lands can only have been made by those who have not been to those places. As a first-hand witness of many of those areas, I can state that the reason they have remained roadless is because of their lack of economical development for merchantable timber. Too little timber in too difficult terrain simply does not "pencil out". The proposed roadless alternative will not likely have any practical effect on timber harvest, but will add substantially to the sustainability potential of public lands.

I urge in the strongest possible terms to support the roadless initiative. It's best for the West and for all of America.

Michael Kennedy, Commissioner
Missoula County, Montana

17271

BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY
PO Box 270
Broadus, Montana 59317

Fax: 406-436-2151
Phone: 406-436-2657

Kyle Butts, Volborg
Don McDowell, Broadus
Ray Traub, Broadus

July 11, 2000

USDA Forest Service-CAET
PO Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122



PAID RECEIVED
JUL 17 2000

Dear Forest Service:

The Commissioners of Powder River County have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States. We support the position of Montana Coalition of Forest Counties on the roadless issue.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service at a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY

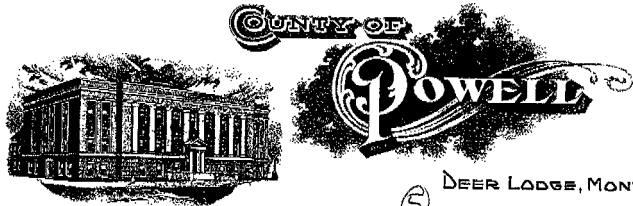
Kyle Butts
Kyle Butts, Chairman

Donald R. McDowell
Donald R. McDowell, Member

absent
Ray Traub, Member

19307

19307



July 17, 2000

USDA Forest Service-CAET
 ATTN: Roadless Area Proposed Rule
 PO Box 221090
 Salt Lake City UT 84122

TO: Roadless Area Planning Team

Your draft EIS and supporting documents are the most readable materials recently produced by your agency. However, their readability cannot make up for their lack of common sense, flawed logic, fuzzy analysis, and blatantly biased content.

We, the Powell County (MT) Commissioners are opposed to this top down approach to decision making. National decisions for local problems has a long track record of failure. Your insistence on adding one more example to that list of failures doesn't make sense to us.

We have an interest in bringing closure to the roadless issue. However, the adversarial process you have adopted will only serve to perpetuate the issue in this or some other form. We feel there is a lot of common ground on this issue. Why you have chosen not to pursue that common ground baffles us. We know there is a reason but we don't have a clue as to what that reason is. Therefore we can only be suspicious of what it might be.

Following are a set of specific comments. These comments are based on our definitions of a worse case scenario. Our experience justifies that position because our interests have been trampled on by most recent Forest Service decisions.

- We read the Purpose and Need section and it appears that the purpose was developed and then the need(s) were manufactured. Since the needs you have listed are unconvincing we suggest you review your manufacturing process. All three of the listed needs can be addressed within the programming process of the agency. The several million dollar cost of this EIS process could better be spent on road management.
- We believe there are many areas that should remain unroaded. We also believe some areas should be roaded. Our fear is that you will choose Prohibition Alternatives 4 and all areas will be locked up. Obviously trust is again at issue!
- We do not believe that this process will resolve the roadless issue. The form of the issue may change but the issue will not go away. There will be a "right time" to resolve the issue - this is not the right time.
- Your analysis suggests that over the next 20 years 5-10% of the roadless resource will be lost. We maintain that that amount is not significant and it probably contains the areas that have a higher value for developed uses.

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- We realize that identifying environmental consequences for an EIS of this scope is difficult. At the same time we feel it is impossible for a decision maker to use Chapter 3 as a basis for a reasoned decision.

Chapter 3 presents environmental consequences of each alternative with qualifiers such as:

- | | |
|----------------------|------------------------|
| - Would likely | - It is anticipated |
| - Most | - May be allowed |
| - Plan to | - Highest likelihood |
| - Most restrictive | - Can effect |
| - Has the potential | - Would decrease |
| - Highest potential | - Further reduces |
| - Least risk | - Likelihood of change |
| - Best opportunity | - Could further reduce |
| - Potential benefits | |

Since a decision maker does not understand the probability or magnitude associated with any of these statements, that person has little choice but to rely on their own value system. To saddle the public with the consequences of one persons values seems stupid, if not downright undemocratic.

- One final specific comments. You have chosen to use the RARE II inventory as a base but have added other "unroaded" areas in the Procedural Alternatives. These other areas are unknown at this time. This seems odd. If it is to be kept in, you should also consider dropping areas whose shape and position are such that you cannot reasonably conserve their roadless characteristics. After all, if you chose to use criteria on what some folks call "manageability", apply that criteria across the board.

In closing, we reiterate of the position that:

- The NEED for this EIS has not been adequately established;
- The consequences listed in Chapter 3 are inadequate for a decision other than a decision based on personal values;
- This is not the right time for this decision and the top down process will further intensify the issue in one form or another.

We appreciate this opportunity to share our comments. Please keep in mind that the credibility and trust of a once proud and respected federal agency are at stake.

Sincerely,

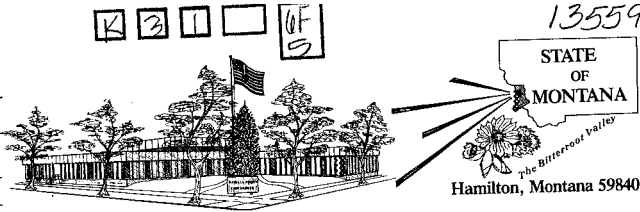
Powell County Commissioners

Kay Beck
 Kay Beck, chair

Gail Jones
 Gail Jones, member

Tom Hatch
 Tom Hatch, member

COUNTY
OF
RAVALLI



USDA Forest Service-CAET
P. O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JUL 10 3 2000

Dear Forest Service,

The County Commissioners of Ravalli County have conducted a review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We have uncovered many disturbing findings and we believe there needs to be significant changes to the document. We believe this document is being rushed without the proper evaluations and Ravalli County will be negatively impacted by decisions not made on a local level.

The Draft EIS contains significant flaws pertaining to the regulations that govern the NEPA process; inconsistencies in information, data, and the level of analysis; discrepancies and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions, and inadequate analysis and disclosure of effects. We also believe there has been biases and value judgements on behalf of the authors and prejudicial actions on your behalf. In particular we take exception to paragraph 3 of page 3-190 which states:

even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, and poor housing, social services, and community infrastructures.

This statement shows a bias against not only the professional timber workers, but also against those college students and teachers who use summer work in the forests to pay for schooling and to supplement their normal income. To categorize all residents of communities who choose to make their livelihood from working in the forests, no matter how many hours or days so spent, is to show extreme prejudice against that segment of society. This is but one of the many problems we see associated with this document.

We ask that you immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process.

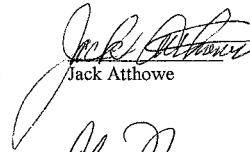
If you choose to not withdraw the Proposed Rule we ask that you extend the comment period for another 180 days to allow all citizens the opportunity to fully review and assess the impact upon

our local communities.

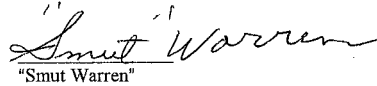
Thank you for the opportunity to comment and we look forward to working with the Forest Service on this issue in the future.

Sincerely,

Ravalli County Commissioners

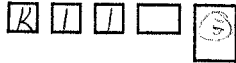

Jack Atthowe


Alan Thompson


"Smut Warren"

13559

43975



Comments: Roadless Plan

I am a County Commissioner in Sanders County, Montana. Sanders County is one of the major timber counties in Montana and includes parts of the Lolo and Kootenai Forests, plus part of the Cabinet Wilderness Area.

In an informational vote in the June Primary, 81% of the voters in Sanders County opposed the Clinton-Gore Roadless Plan. Yes, we all know there are large areas that should not be roaded, but we also know these lands need to be managed better than wilderness.

The voters are unhappy with how the environmental organizations hold up and stop regular and salvage sales misusing the Endangered Species Act. Gated roads are an irritation to many hunters, berry pickers and sight-seers. The snowmobilers are a large group that feel they will be locked out. Those organizations that advocate no logging on Forest Service land upset those working in the timber industry no end. Finally, they do not trust the leadership in Washington D.C.

Two examples of local frustration:

1. Labor Day weekend 1998, the Boyer Creek Fire burned close to 8000 acres of forest lands. Those lands belonging to the Confederated Tribes on the Flathead Reservation were salvaged by mid-1999. The State salvage finished last winter. The Forest Service salvage sale has been appealed for the second time, while any salvage value of the timber is rotting away.

2. The terrible fire of 1910 burned off large areas of Western Sanders County. A local contract forester inventoried over 2000 acres and found over 90% of the trees were infected by root rot and have had very little growth in the past 20 years. This area is at risk for major fire and insect kill. The steeper areas could only be helicopter logged.

In closing, we need local management and multiple use. The more radical environmental organizations don't have a clue to good management practices.

Sincerely,

J. Gail Patton
County Commissioner+

CAFT RECEIVED

APR 17 2000

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My name is Elaine Allestad.

I am here -- I'm a Sweet Grass County Commissioner, and I'm here to present the results of a ballot poll that was run during our primary election in our county.

I also have the results of four other counties in Montana that were -- that would be directly affected by this initiative. And each county was strongly opposed to the roadless concept.

I also wanted to mention, not being a county commissioner, the gentleman that mentioned seeing a lynx.

About three months ago, I was driving home on a county road. We live northeast of Big Timber. And I saw a lynx go across the county road onto our ranch, which is a four-generation ranch. And I was probably just as awed as that gentleman.

I see that he left, but his friends are here, and I'd appreciate it if they'd pass that on to him.

Thank you for the opportunity to present this.

*

MS LERUM: Speakers 86 and 87 are Betsy Gaines and then Clinton Cain.

Betsy Gaines
P.O. Box 1263
Bozeman, Montana 59771

E-1-4 11, 142

YORK STENOGRAPHIC SERVICES, INC. (717) 854-0077

43566

COUNTY and SUBJECT OF VOTE	FOR	AGAINST
MINERAL COUNTY Hospital District	817 *	363
MISSOULA COUNTY Museum	9,770	10,482 *
Parks Maintenance	11,230 *	8,979
Weed Control	10,797 *	9,392
MUSSELSHELL COUNTY Hospital	903 *	609
Rural Fire District	509 *	268
Sheriff	744	752
	(re-count	to be held)
PARK COUNTY Sheriff Office, 2 bonds	no tally available	both defeated
PHILLIPS COUNTY Law Enforcement	694 *	488
RAVALLI COUNTY Form a Park District	2,701 *	2,201
Swimming Facility	2,587 *	2,258
Submit Growth Plan to Voters	7,083 *	1,895
ROOSEVELT COUNTY Roads	no	all
Bridges	tally	three
Hospital	available	defeated
SANDERS COUNTY Senior Citizens	1,457 *	927
Public Safety	1,089	1,277 *
County Fair	774	1,599 *
Support Federal Roadless Policy	433	1,879 *
SWEET GRASS COUNTY Support Federal Roadless Policy	170	887 *
Weed Control	776 *	323

Montana Coalition of Forest Counties

10102

Officers & Board of Directors

Dale W. Williams, Flathead County, Chairman
 Alan Thompson, Ravalli County, Vice-Chair
 Donna Sevalstad, Beaverhead County, Secretary-Treasurer
 Hank Laws, Sanders County
 Don McDowell, Powder River County
 Judy Stang, Mineral County
 Rita Windom, Lincoln County

D I I 6F
 5
 yes

July 11, 2000

USDA Forest Service-CAET
 P. O. Box 221090
 Attn: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

RECEIVED
 JUL 13 2000

Dear Forest Service:

The Montana Coalition of Forest Counties represents 21 counties and nearly 300,000 Montana residents. The Board of Directors on behalf of this constituency wishes to make our comments (attached) known to the Forest Service on the Draft EIS on the Roadless Initiative Proposal.

From its inception on October 13, 1999 until very recently, detailed information concerning this Initiative has been nearly impossible to obtain on a timely basis. Forest Services websites referred to us were inoperative, local USFS offices had virtually no information to share, and public hearings limited discussion on this topic consisting of over 700 pages to three minutes, and yet we were expected to submit detailed comments.

Three of our member counties, Flathead, Lincoln, and Sanders, placed this proposal on their recent respective primary ballots and simply asked the people do you or do you not support this Initiative. An overwhelming margin, 81%, or over 17,000 out of 21,000 ballots cast, said NO!

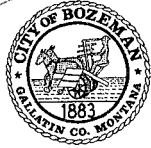
We are requesting an extension of the comment period for review of the Draft EIS for another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60-day comment period.

Sincerely,

Dale W. Williams
 Dale W. Williams, Chairman
 Montana Coalition of Forest Counties

DWW:ecn

Enc: As stated



CITY OF BOZEMAN
Bozeman, Montana
Office of the City Commission

June 19, 2000

H 4 1 5

CAET RECEIVED
JUN 29 2000

Chief Michael Dombeck
U.S. Forest Service
Roadless Areas NOI
Salt Lake City, Utah 84122

Dear Chief Dombeck:

The Bozeman City Commission unanimously urges you to develop a farsighted and comprehensive policy that would effectively protect, intact and undiminished, remaining roadless areas administered by the U.S. Forest Service.

Roadless lands are responsible for a number of benefits to our community and region. They provide clean drinking water, late season irrigation flows, and groundwater recharge. They also offer prime wildlife habitat and associated hunting and fishing opportunities. Their presence strengthens our fast-growing economy, which is dependent on our high quality of life. And because of roadless areas, a myriad of traditional recreational opportunities are available to tourists and residents.

The City of Bozeman lies in the heart of an area surrounded by spectacularly beautiful-yet unprotected-roadless lands, including the Bridger Mountains, the Gallatin Range, the Tobacco Root Mountains, and portions of the Madison Range. These roadless lands are heavily and gratefully accessed for a wide variety of activities. We were reassured to learn that residents and tourists will be able to continue these activities under a roadless area protection policy.

We urge you to adopt a roadless area protection policy that will keep remaining public wildlands in trust for the benefit of present and future generations.

Sincerely,

Marcia B. Youngman
MARCIA B. YOUNGMAN, Mayor

Jarvis H. Brown
JARVIS H. BROWN, Commissioner

Joe N. Frost
JOE N. FROST, Commissioner

--- absent ---
STEVEN R. KIRCHHOFF, Commissioner

Sandra L. Smiley
SANDRA L. SMILEY, Commissioner

cc: Dave Garber, Supervisor, Gallatin National Forest
Gallatin County Commission
Dale Bosworth, Regional Forester, USFS



Street address: 411 East Main Street
Mailing address: P.O. Box 640
Bozeman, Montana 59711-0640

Phone: (406) 582-2300
Fax: (406) 582-2323
TDD: (406) 582-2301

Submitted by Shawn Regnerus

Shawn Regnerus
9074

Jun-22-00 09:31 Bitterroot National Fores 406 363 7159

P.01

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Roadless Area Conservation Proposed Rule
Public Comment Forum

Date: 6-22-00
Comments: H 1 2 5

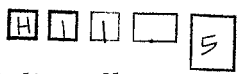
Please vigorously protect our present level of wilderness. I'm an avid hiker. But, use the rest for multiple use, except in exceptional cases. People have to eat too! As I love trees, you couldn't hike all the wilderness in a lifetime.
Thank you

Name: Joseph D. Petrusaitis (Hamilton City Councilman)
Address: 503 S. 2ND ST
HAMILTON, MT 59840 WARD I

**Please send comments to: USDA Forest Service- CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
Fax: (877) 703-2494
Email: roadlessdeis@fs.fed.us
**Comments must be received by July 17th, 2000.

CAET RECEIVED
JUN 26 2000

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City of Kalispell

Post Office Box 1997 • Kalispell, Montana 59903-1997 • Telephone (406) 758-7700 • FAX (406) 758-7758

Forest Services
Roadless Area Proposed Rule
July 3, 2000
Page Two

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

July 3, 2000

CAET RECEIVED
JUL 06 2000

U.S.D.A. Forest Services - CAET
Attn.: Roadless Area Proposed Rule
Post Office Box 221090
Salt Lake City, UT 84122
FAX: 877-703-2494

Re.: Draft Environmental Impact Statement, Roadless Initiative

As Mayor of the City of Kalispell, Flathead County Seat, an area which has survived for over 100 years on revenue generated from timber industry related jobs as well as an area that uses the beautiful forests, mountains, and lakes as the basis of our recreation economy, I would hope that these comments are taken very seriously.

Before I attempt to comment on any of the details or suggestions of alternatives, I would like to make two observations regarding the DEIS.

Firstly, I believe that the fashion in which the entire Roadless Initiative was drafted falls far short of meeting the spirit and intent of the Federal Administrative Procedures Act in that it was not drafted by a diverse group of citizens. Rather it was drafted by a very focused environmentalist group who's ultimate agenda is, in my opinion, to close down our national forests. While these individuals and the current administration may truly believe in their agenda, they clearly do not advocate a realistic management philosophy of our forest lands or take into account the tremendous hardship being imposed on a community such as ours if these ridiculous, preferred alternatives are implemented.

Secondly, I believe the cumulative affects analysis of the DEIS (3-240) is woefully inadequate. For whatever reason, perhaps because of the manner this entire proposal has been brought before the American people, the true cumulative affects of the proposed forest planning regulations, road management policy, and roadless area conservation rule have not been fully analyzed. Much more detail must be done on their effects in an effort to reveal to the American people, and especially our local citizens, the true impacts of these drastic changes in public policies. As public officials, one of our most sacred responsibilities is to at least explain the facts regarding public policies to the individuals we serve before making decisions based upon these "facts".

Setting these two major flaws aside, and getting to the recommended alternatives, I would give my full support of Alternative "A", the no-action alternative. Pursuant to the dictates of the National Forest Management Act and The Wilderness Act, as well as the Sustain Yield Multiple Use Act and at least ten other federal policies regarding management of our national forests, there is more than adequate protection

and policy currently established to ensure that responsible forest management specialists can properly establish forest management plans on our public lands.

There is no sensible argument that can be made to throw away the countless hours and millions of dollars invested in the site specific analysis of the 1987 Forest Management Plan in exchange for the plans contemplated by this proposed road initiative. Even under current policy the facts belie the headlines and rhetoric. When we consider the fact that on the Flathead National Forest alone last year, an area of approximately two million acres, while we grew 133 million board feet of timber, we harvested only 6 million. In addition to a tremendous loss in generated revenue for local schools and government, along with private sector jobs and payroll, even local foresters have indicated that we are at a precarious point in time regarding proper management of our forest lands from a fire prevention standpoint. Their best analysis of the current fuel load on the Flathead National Forest is that it is six to ten times the level it was during the drastic fire in the early 1900's which destroyed an excess of one million acres of prime timber in the Northwest.

While it would be incorrect to state that we have always utilized responsible forest management practices, there is no question over the decades we have learned many lessons and even now could fully meet the 100 million board foot sustained yield of our local national forest. This could be done in a fashion which would not only "not harm" the health of our local national forests, but would, in fact, benefit the overall health of the forests. Has it ever been conveyed to the public that this could be accomplished by harvesting one mature tree for every ten acres of national forest land?

I would sincerely request that your agency spend its limited resources on implementing truly scientific proposals recommended in the countless prior federal policies on National Forest Management instead of constantly responding to irresponsible requests of special interest groups who's agendas are not supported by responsible science and are extremely detrimental to the livelihoods of communities, governments, and countless citizens.

Sincerely,

Wm. E. Boharski

Wm. E. Boharski
Mayor
City of Kalispell

WEB/ksk



City of Libby

952 E. Spruce St.
Post Office Box 1428
Libby, Montana 59923

Phone 406-293-2731
Fax 406-293-4090

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D I I I S

July 3, 2000

USFS Chief Dombeck
USDA - Forest Service
Attn: Roadless Areas
NOI PO Box 221090
Salt Lake City, UT 84122

RECEIVED
JUN 17 2000

Re: Exemption of Economic Development Administration
Economic Diversification Strategy Project #05-29-69002

Dear Chief Dombeck:

The City of Libby and I are in support of the exemption request that the Lincoln County Economic Development Council has filed with your office for the proposed Treasure Mountain Ski Area.

This economic development diversification strategy project has potential significant positive impact for our community and the surrounding area. With the decline of our resource-based industries in the past decade, there is a definite need for projects such as the Treasure Mountain Ski Area to bolster our area's economy.

We ask that you will seriously consider this request and also forward it to Agriculture Secretary Glickman for his consideration as well.

Thank you for your assistance with this request.

Sincerely,

Tony Berget

Tony Berget
Mayor



MIKE KADAS
OFFICE OF THE MAYOR

435 RYMAN MISSOULA, MONTANA 59802-4297

18643 NFS

June 16, 2000

H I I I S
JUL

REC'D

Michael Dombeck, Chief
US Forest Service
PO Box 96090
Washington, DC 20090

RECEIVED
JUL 10 2000

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Dear Mr Dombeck,

I am writing to urge you to adopt a policy protecting roadless areas in our national forests. As a publicly elected official of Montana, I well understand the critical importance of intact and undamaged wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. Montana is fortunate to have some of this nation's most impressive national forests. From the Flathead and Lolo to the Lewis and Clark National Forests, these lands are truly local and national treasures.

Roadless areas provide unique habitat for many fish species of great recreational, commercial and cultural value. Angling, hunting, camping, hiking and other recreation activities are an important part of the lives of many Montana residents. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. These unlogged and unroaded areas also protect private property from landsliders and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Mike Kadas
Mike Kadas, Mayor
Missoula, MT

Cc: Senators Burns and Baucus

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

PETER G. MORROS
Director
Department of Conservation
and Natural Resources
PAMELA B. WILCOX
Administrator

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KENNY C. GUINN
Governor



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Division of State Lands

43717
State Land Office
State Land Use Planning Agency
Address Reply to
Division of State Lands
333 W. Nye Lane, Room 118
Carson City, Nevada 89706-0857
Phone (775) 687-4363
Fax (775) 687-3783

REC'D FOREST SERVICE
JUL '7 2000
CHIEF'S OFFICE

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Letter to Forest Service
7/12/00

43717

related requirements of the National Environmental Policy Act: "Agencies shall: ...Make diligent efforts to involve the public in preparing and implementing their NEPA procedures...." (see 40 CFR 1506.6(a)).

Thank you and sincerely,

Mark Farman

Mark Farman
Public Lands Planner

c: Buzz Harris, Governor Guinn's office

7/12/00

Mike Dombeck, Chief
USDA Forest Service
1400 Independence Ave., S.W.
Washington, D.C. 20090-6090

JUL 17 2000

Bradley E. Powell
Regional Forester
R5 Regional Office
1323 Club Drive
Vallejo, CA 94592

USDA Forest Service - CAET
Sierra Nevada Framework Project
PO Box 7669
Missoula, MT 59807

CAET RECEIVED
JUL 17 2000

Dear Forest Service:

We request a 90-day extension of the Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement's (DEIS) public comment period. The DEIS's comment period ends on 8/11/00 and this is clearly not enough time to provide meaningful comments on such a complex and far-reaching project. This project would affect our public lands in both California and Nevada and on ten different National Forests plus the Lake Tahoe Basin Management Unit.

As you are aware, the reviewers of this DEIS also are trying to review, and understand the relationships between, three other complex Forest Service studies (two of which are also in the public comment phase of their schedule). These projects are the Roadless Area Conservation DEIS, the Northern Sierra Area Forest Plan Amendment DEIS and the National Road Management Policy study. Trying to review these related projects and understand their relationships is difficult.

An extended comment period on the Sierra Nevada Forest Plan Amendment DEIS would greatly help the Forest Service in terms of receiving more informed public comments. The extension also would help the Forest Service comply with the public involvement-

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KENNY C. GUINN
Governor

STATE OF NEVADA

JOHN P. COMEAUX
Director

DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

Re: SAI NV # E2000-137

Project: Roadless Area Conservation Proposed Rule and DEIS

To Whom It May Concern:

Enclosed are the comments from the Nevada Divisions of Water Resources and Minerals and sent under separate cover, the Divisions of Lands and Wildlife concerning the above referenced report.

The Nevada State Clearinghouse would like to reinforce the attached comments made by all of the Divisions against a wide variety of the alternatives in the DEIS as well as many of the inaccuracies.

The document is unclear and contradictory. The USFS is to be commended for its efforts to reach the public for input. However, if the issues identified in the DEIS and addressed in the meetings are difficult to unravel, the comments cannot be as concise or specific as they should be for a proposal of this importance. If one doesn't understand the document, how can one have an informed opinion?

In addition, the Clearinghouse would like to request strong consideration be made for any plan of this magnitude to be implemented at the local level. A global decision cannot possibly address the individual issues that pertain to a

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particular road relative to a given neighborhood. Unilateral, top down decisions preclude the opportunity for citizens to offer genuine input and to, perhaps, positively impact the environment most directly affecting their homes and communities. Case in point – perhaps some road you propose closing is important enough to a neighborhood for them to volunteer both time and equipment to improve and maintain that road on a volunteer basis. Conversely, one you may have determined will be maintained might be one not much used or which generates little or no concern if you close. Without the opportunity to implement this proposal on a case-by-case, local level, significant opportunities for win/win partnerships and collaboratives may be missed. We strongly request that the comment period be extended by several months and possibly, a more accurate and clear supplement be produced.

These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372 at this time. If the comment period is extended, we may offer additional remarks at that time. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

Sincerely,

Heather K. Elliott
Nevada State Clearinghouse/SPOCCc: The Honorable Governor Guinn
Nevada Division of Water Resources
Nevada Division of Minerals
Nevada Division of State Lands
Nevada Division of Wildlife

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KENNY G. GUINN
Governor

RECEIVED

JUL 17 2000

DEPT. OF ADMINISTRATION
DIRECTOR'S OFFICE

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS

400 W. King Street, Suite 106
Carson City, Nevada 89703

(775) 687-5050 • Fax (775) 687-3957
<http://www.state.nv.us/minerals/>

Las Vegas Branch:
2501 E. Sahara Ave., #206
Las Vegas, Nevada 89104
(702) 486-4343
Fax (702) 486-4345

ALAN R. COYNER
Administrator

Heather Elliott
State Clearinghouse Coordinator
Department of Planning
Budget and Planning Division
209 E. Musser Street, Suite 200
Carson City, NV 89701

July 13, 2000

Dear Heather:

The following comments are for the US Forest Service Roadless Area Conservation Draft EIS. These comments reflect the concern the Nevada Division of Minerals has on this proposal as it impacts access, economic development and public safety on federal lands in Nevada.

- 1) A disproportionately large amount of Nevada's USFS lands will be affected. According to published reports, approximately 3.1 million acres of USFS national forest land would be included in the new Roadless Area, out of a total of 6.3 million acres. When this is added to the current 850,000 acres of already protected acreage (wilderness and NRA designations) more than 60% of Nevada's USFS holding will have significant restrictions for access and development.
- 2) Withdrawal of roadless areas as envisioned by the USFS will have significant impacts on mineral and energy resource development. Although it is stated that inholders with valid existing rights will have access to their properties, it is not clear if additional restrictions will be placed upon them. New areas without claim holders or current information on potential resources will be difficult if not impossible to examine. Building temporary roads for exploration and drilling will

All waters of the state belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes and not otherwise. This office supports the continued efforts of the United States Forest Service to assess watershed and riparian conditions, and to modify land use practices that tend to improve the condition of the public lands for all uses.

Thomas K. Gallagher, P.E.

Nevada Division of Water Resources

6/22/00

Omniel Bryan; Small-Scale Mining and Prospecting
Jim Chardas; General Public
Patrick Fagan; Geothermal Resources

Commission on Mineral Resources
Fred D. Gibson, Jr., Chairman; Large-Scale Mining

Peter Hummel, Vice-Chairman; Oil and Gas
John T. McDonough; Large-Scale Mining
Ran Farnill; Exploration and Development

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FAX NO. 7756840260

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not be allowed, impacting the ability of communities and the state to benefit from mineral resource exploration and development. The USFS summary of the results of the "initial regulatory flexibility analysis" (page A-22 of the Summary document) does not acknowledge the impacts to small business in the metal mining sector. This analysis failed to acknowledge that in several states, but particularly in Nevada, metals (i.e. precious metals) are a major commodity from USFS managed lands.

- 3) The decision to prevent new road building on much of Nevada's forested land will prevent access to new mineral resources, thereby denying their use by the general public. To do this without having a better understanding of the mineral and energy potential of these areas is detrimental to the economic health and security of the nation. Congress has made very clear its intentions that the federal land management agencies must inventory mineral resources before lands are withdrawn from multiple use. Before any roadless area conservation plan goes into effect the USFS should complete a comprehensive mineral inventory evaluation.
- 4) The decision to allow roads to deteriorate, remove roads or not build new roads will have significant impacts on other agencies abilities to combat wildfires, manage wildlife, repair habitat, secure abandoned mines and manage other programs which enhance the environment or promote public safety. The USFS Roadless Area EIS is inadequate in that it does not seek input and serious dialogue with states and local government.
- 5) The USFS uses costs of maintaining roads as a driving force in developing this Roadless Area plan. The Draft EIS does not address the possibility of local communities, counties or the states maintaining existing roads deemed essential by local governments. The Draft EIS also does not address the R.S. 2477 issues which have been raised by counties and states over the past decade. The USFS needs to determine R.S 2477 roads within its jurisdiction, improve the quality of the maps used in identifying roads in the "roadless" areas, and consult with local and state governments to adequately address these issues.
- 6) After attending scoping, informational and public hearing meetings at different times in Reno, Ely and Las Vegas it was apparent that USFS personnel did not understand the scope and process under which the Roadless Area Conservation Plan would be initiated and implemented. Conflicting viewpoints were presented by USFS personnel at different meetings leaving confusion in the minds of the public as to the real scope and impacts of this plan. It is imperative that the public comment time-line should be extended as many issues not adequately addressed or were presented in a confusing manner.

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We appreciate the opportunity to comment on this document.

Sincerely;



Walter S. Lombardo
Senior Geologist
Chief, Southern Nevada Operations
Nevada Division of Minerals

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JUL-17-2000 MON 01:58 PM BUDGET

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JUL-17-2000 MON 01:59 PM BUDGET

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PETER G. MORROS
Director
Department of Conservation
and Natural Resources
PAMELA B. WILCOX
Administrator

KENNY C. GUINN
Governor



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

July 5, 2000

USDA Forest Service- CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Sir/Madam:

This agency has spent a considerable amount of time and effort reviewing the draft document and attending public meetings regarding the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. We have not yet been able to determine a need for the proposed rule nor do we fully understand what the actual impacts would be with the new rule. A reading the DEIS has not revealed any actual benefit from establishing a new rule. The proposal appears to be a "backdoor" effort to establish limited use areas of the forest under the guise of addressing USFS road maintenance and construction problems. Implementation of the new rule would effectively restrict the use of renewable and nonrenewable resources of this nation and limit access to many areas of public land for the benefit of a few.

To begin with, the proposal and the documents explaining what is proposed are extremely confusing. The DEIS is one of the most difficult documents to read and understand. It seems to be self-serving and is written to support the point of view of those that seek to eliminate any future use of existing "roadless" areas (and "roaded" roadless areas). It also appears that the DEIS was designed and prepared to be a more formidable document to read and understand than most people can endure, "thinning out" the people with time and energy to review and comment on the proposal. The comment period must be extended beyond the July 17, 2000 deadline to allow those with sufficient fortitude to complete their review of the DEIS. There is far too much "information" in the document for most people to try to understand and provide comment on within the established comment period.

State Land Office
State Land Use Planning Agency
Address Reply to
Division of State Lands
333 W. Nye Lane, Room 118
Carson City, Nevada 89706-0857
Phone (775) 687-4363
Fax (775) 687-3783

USDA Forest Service -CAET
July 5, 2000
p. 2

It is hard to understand how we can have "roadless" areas with roads and unroaded areas which are not "roadless". These concepts of roadless and unroaded depend on the definition of a road used for the rule. A more comprehensive definition of a road than which is now used would disqualify many of the inventoried "roadless" areas included in the document. A broader definition would also reduce the amount of acreage that would be subject to use and access restrictions in the future under the proposed rule. The limited definition of a road being used, however, allows for the creation of de facto wilderness by the executive branch, bypassing the Wilderness Act of 1965. This sadly seems to be the underlying intent of the proposed rule. The definition must be broadened to include all roads which may exist in an area.

We strongly support Alternative 1 (No Action) among the Prohibition Alternatives. This alternative would allow continued management of national forest units by local managers closest to the situation. A national-level rule on road construction and maintenance or possible uses in individual national forest units eliminates the flexibility local managers may need to best manage for resources and needs. National forests and the use of those public lands have the greatest impact on those that reside in the regions where the forest units are located. Many rural communities are dependent on the use of resources located on public land and continued access. Local participation in the development of individual forest unit plans must be allowed to continue and should be more actively promoted. A broad national-level rule will discourage and disqualify local and state input into the forest planning process. The other alternatives add sweeping, national level restrictions that will unnecessarily limit management options and are not desirable for the overall public good.

We also strongly support Alternative A (No Action) among the Procedural Alternatives. Again, there is no compelling need to restrict the ability of local managers and the affected public to appropriately manage the public resources and use of the national forest lands by adding an unnecessary and unwanted rule. If the roadless values in a national forest unit warrant the protection the proposed action will mandate, these values can just as well be protected using existing planning procedures and implemented when individual project proposals are being evaluated.

Sincerely,

Mike Del Grosso
Deputy Administrator

cc: Nevada State Clearinghouse

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Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials



KENNY C. GUINN
Governor

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(775) 688-1500 • Fax (775) 688-1595

13983
PETER G. MORROS
Director
Department of Conservation
and Natural Resources

TERRY R. CRAWFORTH
Administrator

USDA Forest Service – CAET
Attention Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84112

July 10, 2000



FACT RECEIVED

JUL 17 2000

Dear Sir:

The following represents the Nevada Division of Wildlife's review of the USFS Roadless Area Conservation Initiative. While the Division does have some definitive information to go on, most of our comments are made relative to the ramifications of designating additional areas as roadless and the potential of further limiting access to public lands. In our discussions with USFS personnel, two significant aspects of this proposal have come to the forefront: (1) a prohibition on new road construction in designated roadless areas and (2) local level involvement in decision making relative to future use of existing roads in designated roadless area.

In most instances, the issue of new road construction is less pertinent to our discussion of this initiative in Nevada. Efforts of the Forest Service to construct roads on National Forest lands are at present so time consuming and costly that this aspect of the roadless issue should not be a major point of dissent. However, any roadless designation will ultimately limit the ability of the Forest Service or our agency to manipulate vegetative communities for the benefit of wildlife resources. Considering the ecological conditions existing in the Great Basin and the severity of threats to the health of those systems, it is utmost concern to us that planning remain flexible to allow for access associated with these habitat restoration projects. There are major efforts underway, by federal and state agencies as well as private organizations to address the issues evolving around the health of Great Basin habitats. Restoration actions and projects are becoming more important and aggressive. It would be unacceptable to manage access to a point that would prohibit restoration activities. This is already occurring with regard to wildlife management activities and restoration efforts in Wilderness Study Areas.

The Division supports a common sensed approach to public recreational access throughout the Humboldt-Toiyabe National Forest. In instances where the proliferation of roads has had a negative affect on wildlife habitats or resources, we would agree with the decommissioning of some roads. It makes no sense to have multiple routes into the same general area when one road will provide the same benefit. When roads have been built in environmentally sensitive areas without any regard to this sensitivity,

it is appropriate that the Forest Service determine how to remedy the situation. We additionally do not favor the indiscriminate construction of roads into sensitive areas for the sole means of creating additional public access. We have backed up this rhetoric with our support for the creation of wilderness areas within the National Forest System in Nevada. It remains important, however, that decisions on road decommissioning be made at the local level by a variety of individuals which have a knowledge of and interest in the affected area.

One pervasive fear which we in state government have is that many important access routes will be eliminated through this initiative and the Road Management Initiative (65 CFR 11676). In reviewing the maps provided by the Forest Service, one sees that most of the areas designated as roadless do have significant numbers of roads, which are presently important to the public for access. Under the current proposal or the Road Management Initiative, could these roads be closed to future public access in an effort to maintain an area's true roadless characteristics? Maintaining access for the hunting and non-hunting public at the current level in the majority of designated roadless areas within the State is integral to allowing the public to make use of the important resource which we call public lands. The Division supports local level planning for the implementation of this program and for that of the Road Management Initiative. It will be critical in addressing the site-specific issues and in providing sound decisions that will provide for the needs of those with management responsibilities and for the publics for whom the Division manages those natural resources.

Sincerely:

Doug Hunt, Habitat Bureau Chief

DP:SF:DH
CC: Nevada State Clearinghouse



Office of the Churchill County Manager

July 17, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Via Fax (877) 703-2494

To whom it May Concern:

Enclosed are Churchill County's comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). Although there are no National Forest lands in Churchill County, many of our neighboring counties have significant tracts of land managed by the USFS, with the majority of these lands included in the unroaded portion of the inventoried roadless areas. In many instances, minor county roads are included in the inventoried roadless area, and/or form the boundaries of the unroaded portions. In Lander County on our eastern border, at least two areas have been identified on Forest Service maps as unroaded when in fact minor county roads appear to cross through them. It is our understanding that Lander County intends to maintain or reconstruct these roads as necessary in accordance with direction established by their Board of County Commissioners.

Churchill County supports the no-action alternative based upon a clear lack of demonstrated need for additional administrative authority. The Forest Service already has adequate administrative authority to control road development and manage National Forest Lands. Pg. S-7 states, "Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action". In the affected counties a majority of the unroaded portions of inventoried roadless areas already have vehicle access restrictions. As a result, the proposed rule is very similar to the no-action alternative. It is difficult to see how the proposed rule would achieve the purpose and need of the proposed action. The proposed rule is overly restrictive and limits local decision-making authority, particularly in communities that rely upon the development and use of natural resources on National Forest Lands.

National Forest Lands accessed by many Churchill County residents, such as the Toiyabe, Shoshone and Toquima Ranges, provide for a host of multiple uses and have a long history of mineral exploration and development. In fact, it appears that most of the unroaded roadless inventoried lands fall within active mining districts (Reese River, Birch Creek, Big Creek, Kingston, Washington, and Spencer Hot Springs). These mining districts have produced a variety of minerals including Gold, Silver, Tungsten, Uranium, Copper, Lead, Zinc, and Molybdenum. Churchill County is opposed to any Forest Service administrative rules or policies that would interfere with or unnecessarily increase the cost of exploration and development of mineral resources.

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Page 2:

The proposed rule is somewhat confusing with respect to mineral exploration and development, particularly as it relates to locatable minerals. The rule appears to allow road construction only in those cases where existing valid mining claims exist. The language of the proposed rule is unclear with respect to development of claims filed in the future. The County is also opposed to the language in the rule that prohibits the development of leasable minerals. The development of leasable minerals is a Forest Service decision. Once the proposed rule is in place, the Forest Service could not implement a decision contrary to Section 294.12.

If the Forest Service is unwilling to include leasable minerals in the exceptions, Churchill County is opposed to any retroactive prohibition to development activities unless adequate mitigation measures are negotiated with affected parties and included in the Record of Decision as committed mitigation.

It is noted that Tables 3-49, 3-50, and 3-51 indicate that there is more than \$7.5 trillion dollars in gross value of metal, oil and gas, and coal resources on inventoried roadless areas, which may never be developed due to prohibitions in the rule. We find it troubling that the current administration again moves to place restrictions on western coal development. The placement of such restrictions does nothing for the environment since it only "exports" the extraction of coal and other minerals overseas to third-world emerging nations where there are no environmental controls for the exploitation of such resources?

The analysis in the EIS indicates that natural resource users could face regulatory abuse. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics". This section goes on to imply that an EIS would likely be required for road building in the inventoried roadless areas that would increase the cost to develop the site. There is no clear justification as to why such a requirement would now have to be more strictly enforced. The designation of an area as roadless does not necessarily result in any greater environmental impact than would occur if the area were not roadless. NEPA was not intended to become a regulatory roadblock to be used solely to increase cost and discourage development. Since mineral exploration and claim development are exempted from the proposed rule, the Forest Service cannot simply employ a more stringent standard to achieve what was not allowed in the rule.

There is no cumulative analysis. The Forest Service does not even attempt to address past, present and reasonably foreseeable events. Instead the cumulative analysis section relies upon a discussion of two other pending rules. Clearly, the Forest Service has not met its obligations under 40CFR1508.7.


Page 3:

The County is concerned about the adequacy of the analysis and information in the document. This DEIS has been prepared in a somewhat expedited fashion. It is difficult to understand how the Forest Service could prepare an adequate analysis of a proposed action that affects such a large area and includes so many critical and contentious issues in record time. Unfortunately, the answer is simple. In some cases there is little or no analysis of impacts and the Forest Service repeatedly attempts to down play impacts and the importance of traditional natural resource industries while promoting the so called "non-use values" of a rather small minority of the population that has no direct stake in the outcome. Nowhere in the analysis does the Forest Service prove or show with any certainty that environmental conditions will improve even slightly over the no-action alternative. In other words, the Forest Service proposal does not live up to the purpose and need described in the DEIS.

Instead, this roadless initiative appears to be a blatant attempt to assuage the strident demands of a rather small segment of the population who embraces "non-use values" at the expense of grazing, the timber and mining industries, and the communities that rely upon those resources, and more traditional recreational users. The expedited timeframe for completion, limited analysis, questionable need for the proposal, and subversion of true public debate undermines the credibility of the Forest Service and further erodes the trust and confidence that many in Nevada have in this agency's ability to manage lands and resources. For these reasons and the comments attached, the Forest Service should withdraw this proposal or adopt the no-action alternative.

Should you have any questions concerning this proposal, please do not hesitate to call me at (775) 423-5136

Sincerely



Bjorn P. Selinder, Manager
Churchill County

Cc:

Board of Churchill County Commissioners
Gov. Kenny Guinn
U.S. Senator Reid
U.S. Senator Bryan
Congressman Gibbons

Churchill County, Nevada Comments to
The Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement

I. Comments on the Proposed Rule

First and foremost, the proposed rule is unnecessary. The Forest Service already has the ability to manage lands for road development under their current authority. In Counties impacted by the Forest Service proposal most unroaded portions of an inventoried roadless area are already within travel-restricted areas. Therefore, what is the purpose of further imposing even more complexity to the management process?

Section 294.11 Definitions

The definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should be expanded to roads that are *planned or managed, or used* for motor vehicle access.

Section 294.11 (3) *Rebuilding* This Section is unduly restrictive. It appears that it would apply to a classified road that is currently being utilized below its service level. The definition makes no distinction between classified and unclassified roads.

The proposed rule needs to make clear that the definition of *Road Construction, Road Maintenance, and Road Reconstruction* do not apply to classified roads other than Forest Service Roads.

The Forest Service needs to distinguish between what constitutes minor maintenance under Section 294.11 versus road rebuilding and what criteria comprise rebuilding.

Section 294.12

Section 294.12 (a) applies to classified and unclassified roads. By definition an unroaded area does not have classified roads within its boundaries. It also appears that the Forest Service is attempting to apply this prohibition to non-Forest Service roads for which they have no administrative authority. Most counties impacted by the Forest Service proposal would not abide by any federal restriction that would deny the County the ability to reconstruct their existing roads classified or otherwise, or to construct new roads on existing rights-of-way.

Section 294.12 (b)(3) This section needs to be clarified, particularly with respect to mining claims. The analysis of the proposed rule indicates that road construction and reconstruction would be permitted for valid existing rights.... under the General Mining Law of 1872. It is unclear whether roads would be permitted for claims filed after the proposed rule. The rule should be changed to clearly reflect the Forest Service's intent

Churchill County Comments to the
Roadless Area Conservation DEIS

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with respect to locatable minerals. The development of leasable minerals should also be included under this Section as an exception.

Section 294.13

Churchill County is adamantly opposed to Section 294.13(b)(2). This language provides far too much discretionary authority for the responsible official. This situation can lead to abuse of the administrative authority granted under this rule and exacerbates a continued atmosphere of mistrust between local residents and the federal government, a condition all too evident in some counties in Nevada and throughout the West. This section should be dropped from the proposed language.

The proposed rule also needs to contain a provision to resolve road disputes at the local level. It is very possible that the roadless inventories are inaccurate and will have some disputed roads, particularly state, county and RS2477 roads.

II. Comments on the DEIS

General Comments:

1. The DEIS does not contain sufficient information to prepare site-specific analysis. The level of detail provided is consistent with a programmatic or comprehensive EIS used to evaluate national policy directives. The development of a programmatic EIS is followed by tiered EIS(s) to more adequately analyze site-specific impacts as recommended in 40CFR1502.20 and 40CFR1508.28. Does this EIS contain the appropriate site-specific analysis to implement the decision? Please explain.
2. Statements made on pg. 1-11 clearly indicates that this DEIS is to address national level issues and does not have the ability in many instances to address site specific issues.
3. The proposed rule, along with the other pending rules, are related actions that should be considered in one EIS. Page S-46 indicates that there are two other related rulemaking proceedings (Proposed Planning Rule and the Proposed Road Management Rule). Page S-46 states, "It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands". Furthermore pg S-46 indicates that the proposed rules combined may have cumulative impacts. These three actions clearly fall with the scope of an EIS consistent with the direction under 40CFR1508.25. Why did the Forest Service treat the proposed rules as separate actions in violation of the aforementioned regulation? These three actions could be easily consolidated into one proposed action and evaluated in a manner consistent with Council on Environmental Quality's guidelines. Proceeding separately appears to be a blatant attempt to segment three closely related actions.

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4. Alternatives 2, 3 and 4 are virtually the same. There is little or no difference in terms of impacts among these alternatives. Each one provides varying degrees of timber harvest otherwise they are the same. The Forest Service has failed to adequately develop a full range of alternatives under NEPA. None of the alternatives result in significantly different impacts. In many instances the impacts are virtually the same. As a result, the Forest Service has failed to meet the requirements of 40CFR1502.14. The alternatives are nothing but "straw man" proposals. The Forest Service needs to consider an alternative that allows leasable minerals and analyzes the impacts and compares those impacts against the no-action alternative.
5. The DEIS has failed to adequately analyze the impacts to mining instead claiming that adequate information is not available at the national level to assess the impact. Substantial information is available locally that allows for such an assessment. The time required to assemble such information would likely take longer than the Administration would like and delay the record setting pace the Forest Service has established for the preparation of this draft EIS.
6. The DEIS must also examine the potential impacts of designating "other roadless areas". Other unroaded areas are not included in the proposed action or analyzed in the DEIS. The amount of lands that could be designated is substantial. Although it is difficult, if not impossible, to know exactly which lands would be designated as unroaded, the Forest Service should consider a worst-case scenario where all the lands would be included.
7. It appears that the evaluation of environmental consequences focuses on inventoried roadless areas whereas the prohibitions of the proposed rule primarily applies to the unroaded portions. Please provide the justification for using roadless area instead of the unroaded portion of the roadless area.
8. There is not a credible impact analysis provided in this document. The analysis of impacts for most resources contains a discussion of road miles and makes generalized conclusions based upon road miles. The analysis assumes that road construction or reconstruction would create an impact without providing any justification. It does not consider a host of standard operating procedures and other mitigation that would minimize road construction and related project impacts.
9. The cumulative analysis fails to adequately analyze all past, present and reasonably foreseeable actions that have impacted access and use of National Forest lands including the extensive loss of timber jobs and harvest due to other prohibitions. Cumulative actions are often inappropriately integrated into the

baseline description in an attempt to mask their impact and to minimize the incremental impacts related to this proposal.

10. The overall approach to the analysis is disturbing. In most cases the environmental consequences section provides little in terms of real impact analysis. Many of the section are generalized impacts based upon the potential for road miles. There are few, if any, objective, meaningful comparisons of impacts between the no-action alternative and action alternative.

Specific Comments

11. Pg. 3-13 discusses the Forest Service Road System. Based upon the discussion, it appears that recreation users, solitude seekers, etc generate most roads use. The Forest Service needs to devise a plan to recoup user fees from this group.
12. Pg. 3-13 Forest Service Road System. This Section needs to include a map showing planned road construction by region.
13. Pg. 3-15 indicates that road construction has declined to about 192 miles a year in 1999 with decommissioning of nearly 2,660 miles of road per year resulting in a net loss of 2,468 miles per year. This represents a cumulative impact that should be analyzed along with the roadless initiative. Please provide a discussion of the types of roads decommissioned each year. How many miles would affect the inventoried areas?
14. Pg. 3-15 last para and again on pg 3-23 indicate that best management practices for road planning, design and construction can minimize adverse environmental impacts. Please define and quantify remaining impacts. Are these best management practices assumed in the baseline and the no-action alternative? If so, the roadless initiative would appear to provide only a slight marginal improvement (perhaps insignificant) to the ecological health of some areas affected by this proposal. Following the same logic, decommissioning efforts have a far greater impact on Forest Health than this proposal.
15. Pg. 3-18 and 3-19 indicates that 1,444 miles of road are planned for construction over the next four years-please show locations on a map(s). Approximately 806 acres of road disturbance are timber related. Since timber harvest would not occur in Nevada (with the exception of small amounts in the Sierra Nevada range), only roads for non-timber related purposes would be constructed or reconstructed. Total non-timber planned road construction in the Intermountain Region over the next four years would be 152 miles which would disturb approximately 500 acres. Even if the entire 152 miles were in roadless areas of Nevada, this would account for 0.0156 percent of the inventoried roadless area in Nevada. Specifically, what beneficial impact would this have on inventoried

roadless areas in Nevada? How does the protection of this minuscule amount of land achieve the action's purpose and need?

16. Table 3-19 needs to be consistent with Table 3-4. How many miles of planned road construction are reconstruction activities by region?
17. Pg. 3-20 Ecological Factors-The EIS needs to contain maps that show areas most likely to be impacted and roadless areas where timber harvest would be curtailed due to this proposal.
18. Pg. 3-22 Watershed Health. This entire discussion relates primarily to timber harvest areas. Can we assume that watershed health; water quantity and timing are not significant issues outside timber harvest areas.
19. Page 3-142 Where is the baseline description for minerals and geology. At a minimum the description should show existing mining operations, proposed mining operations that require roads, areas of known valuable resource deposits.
20. Page 3-143 states, "An EIS would likely be required for proposed activities that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more" What is the justification for this statement? It is inappropriate to make such a generalized statement in this EIS. The analysis in this EIS cannot support such a statement since it does not analyze with any detail regional or site-specific locations. Requiring the preparation of an EIS is not part of the proposed action and it should not be treated as such in this document. An EIS is required to study the potential impact of a proposal. Whether or not an area has a certain designation is irrelevant.
21. Page 3-143 states; "There is currently a trend of decreasing interest by the minerals industry.....appeals and lawsuits". This statement describes cumulative impacts and should be considered in the cumulative analysis section. Also the Forest Service needs to provide some general impact analysis related to this statement, i.e., loss of jobs, income, taxes, etc.
22. Page 3-143 The analysis in this section is inadequate because it only discusses additional regulatory measures imposed by the Forest Service that may create additional delay and cost. By including this type of language it presupposes that the Service already knows what the impacts are. Furthermore, the EIS does not consider appropriate mitigation measures. There is nothing in this EIS that could justify for any specific project the need for an EIS.
23. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics".

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Again, this statement implies a degree of regulatory abuse and attempts to circumvent the Mining Law.

24. Page 3-144 The description of the affected environment needs to include some description of the types of leasable minerals developed on NFS lands and the quantities of extraction. There is no way to gauge the order of magnitude of the impact without the appropriate baseline information.
25. Page 3-144 and 145. The analysis needs to include areas that have the potential for leasable minerals. Those areas that are within the unroaded portion of the roadless area should be delineated. Estimates of leasable minerals in the unroaded portion should be compared to leasable mineral deposits outside roadless areas. Estimates of potential losses from the prohibition of developing this resource should be assessed in the EIS.
26. Page 3-145 indicates that standing decisions with regard to leasable minerals could be reviewed. The Service needs to be clear with respect to retroactively changing previous decisions. Private companies involved in leasable mineral ventures may have already allocated significant amounts of money for exploration and development. At a minimum, mitigation needs to be proposed for situations where private entities have committed funding to resource development.
27. Page 3-145 last paragraph states, "Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown". The Forest Services needs to make a good faith estimate of the magnitude of impact. Page 3-143 identifies a list of potentially cumulative impacts, which should be integrated into this section and thoroughly analyzed.
28. Page 3-177 States that most ranchers depend on off-farm sources of income to remain economically viable. That is for the most part an untrue statement of central Nevada. The statement implies that livestock production is merely a hobby rather than a way of life producing a valuable commodity and food source. How many ranching operations have been forced into this situation from allotment reductions and other regulatory constraints imposed by federal agencies?
29. Page 3-182 Affected Environment Timber Harvest. The discussion on the first page is a cumulative impact that has resulted from regulatory and environmental restrictions steadily imposed on timber producers by federal land management agencies.
30. Pg. 3-193 states, "Like most extractive industries, mechanization has led to a decrease in the number of jobs per unit of output". This statement may be true, however, mining contributes indirectly to jobs in the non-manufacturing sector. In Nevada mining directly provides approximately 15,000 jobs. For each direct

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- job, mining generates another 0.75 jobs in the Nevada economy resulting in some 26,250 direct and indirect jobs in Nevada. The analysis should include the indirect benefits as well. Mining also provides a substantial amount of local government resources through sales and property taxes.
31. Pg. 3-193 No Action Alternative states a downward trend is in place. The only reason for a permanent downward trend is Forest Service policy towards the mineral industry. Market fluctuations create the cyclical nature of the mining industry, but it is difficult to predict a continuing downward trend.
 32. Pg. 3-194 states, "The prohibition of road construction or reconstruction in inventoried roadless areas is more likely...". The proposed rule only considers the unroaded portion of the roadless area.
 33. Pg 3-195 Tables 3-49 through 3-51 indicates that the gross value of metals, oil and gas, and coal exceeds more than 7.5 trillion dollars. Does the Forest Service consider limiting access to some 7 trillion dollars worth of oil, gas, and coal an insignificant impact? It would appear that the USFS believes that energy stocks and minerals can be obtained from third-world emerging nations without concern for strategic implications to the United States and attendant environmental consequences for countries ill-equipped to deal with these impacts?
 34. Cumulative Impacts This section contains a few pages about cumulative impacts related only to the other proposed rules and ignores many of the past, present and foreseeable actions which may have cumulative impacts particularly on the timber industry and timber dependent communities. The impact of the related proposed rules should be included with this analysis along with other restrictions and regulations that have created similar impacts to affected areas. The cumulative impacts of further restrictions need to be analyzed. Clearly, the Forest Service has not met the requirements under 40 CFR1508.7. This section is so poorly developed that it is difficult to make any further comments.
 35. Page 3-243 The Mitigation Options need to be committed in the Record of Decision. Otherwise they are meaningless.

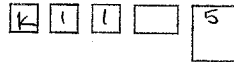


Department of Comprehensive Planning

500 S Grand Central Pky • Ste 3012 • PO Box 551741 • Las Vegas NV 89155-1741
(702) 455-4181 • Fax (702) 385-8940

John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

July 12, 2000



USDA Forest Service-CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

PAID RECEIVED
JUL 17 2000

COMMENTS ON THE ROADLESS AREA CONSERVATION PROPOSED RULE

Dear Content Analysis Enterprise Team:

In December 1999, Clark County submitted a preliminary response to the Roadless Area Conservation Proposed Rule. We also attended local public meetings conducted by the Forest Service to review local impacts and monitor public sentiment in Clark County and Southern Nevada.

Clark County wants to reiterate the comments we made in our preliminary response (see attachment), and want to emphasize the need for collaborative involvement in the decision-making process among federal agencies, state and local governments, and interested citizens. While the current Roadless Area Conservation Proposed Rule will not significantly impact Forest Service administered lands in Clark County, there are many areas throughout the Western United States with greater impact potential that will certainly benefit from interactive public involvement processes.

Thank you for the opportunity to review the USDA Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Sincerely,

John L. Schlegel, Director
Clark County Department of Comprehensive Planning

Attachment

cc: Tom Kuekes, District Ranger, Spring Mountains National Recreation Area

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500 S Grand Central Pky • Ste 3012 • PO Box 551741 • Las Vegas NV 89155-1741
(702) 455-4181 • Fax (702) 385-8940

John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

December 15, 1999

USDA Forest Service CAET
Attention: Roadless Areas NOI
P.O. Box 221090
Salt Lake City, UT 84122

Dear Content Analysis Enterprise Team:

Clark County, Nevada is responding to the Federal proposal concerning the future of inventoried roadless areas within the National Forest System. We understand the need to address the concerns of access and maintenance of roads throughout National Forest System lands. At the same time, those concerns must be addressed on a case by case basis for a specific area and driven through a local process with both local government and citizen involvement. Bottomline, the communities and individuals that are the most affected by the ultimate decision must be actively involved in the decision making process.

Attempting to complete a national Environmental Impact Statement covering 318,000 miles of road within one year is a tough task under the best of conditions. The "emotional triggers" associated with roads and access make this a virtually impossible task. The National Environmental Policy Act is specific regarding both the level of analysis necessary and public involvement and should be used as a guide in this process. Specifically, heavy public and local government involvement must be incorporated as part of this process. A complete inventory of roads should be completed as well as a transportation and access plan that would include recommendations for maintenance, adoption by user group, and overall trails and roads management.

We use existing roads to protect our forest resources from fires, to provide access for recreational opportunities, to protect the numerous plants and animals that live nowhere else in the world, and provide for the livelihood of Clark County residents. We are a desert community in a different ecosystem than the Pacific Northwest, Midwest, or Northeast. The Environmental Impact Statement must adequately address these specific environmental conditions and variations.

In addition to being a destination gaming resort, Las Vegas is a world-wide destination for visual and outdoor recreational opportunities. Las Vegas is also the fastest growing metropolitan area in the United States.

Historically, recreation opportunities have been available to residents in the undeveloped open-space immediately adjacent to, and within, residential areas. With the in-fill development of these open-spaces, these recreational opportunities are being eliminated. To correct this situation, Clark County is working collaboratively and successfully with the Forest Service, Bureau of Land Management, National Park Service and Fish & Wildlife Service. We are also working with a very proactive group of concerned citizens to preserve and develop new or existing roads and

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trails. Our citizen groups have currently adopted hundreds of miles of jeep trails, equestrian routes, mountain bike routes, and hiking trails to the benefit of the federal agencies, the community and these separate user groups

In May 1999, Clark County moved to formalize a regional trail development effort by establishing the Southern Nevada Regional Trails Partnership. Partners include all appropriate local and federal land management agencies, user groups and concerned citizens. The outcome will be the development of a regional and interconnected trail system providing new and existing opportunities for diverse experiences and access. These opportunities range from the urban desert washes of Las Vegas, to the remote areas the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area of the Humboldt-Toiyabe National Forest. These linkages provide an absolutely necessary nexus between the urban environment and these open space areas.

We use this as an example of the type of environmental analysis and active public involvement process that the USDA Forest Service needs to encourage. This national Environmental Impact Statement, and programmatic analysis, must assure that local alternatives for addressing local issues remain available to federal decision makers. This national effort also needs to assure that the beneficial working relationships that do occur between local and federal governments are not compromised.

Sincerely,

John L. Schlegel
Director

JLS:AP:bh

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GEORGE R. E. BOUJICHER
ELKO COUNTY MANAGER
(775) 738-5398 OFFICE
(775) 753-8535 FAX
elkocojw@rabbitbrush.com

Board of County Commissioners

CLARK COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY ADMINISTRATION CENTER
1000 W. WASHINGTON AVENUE
LAS VEGAS, NEVADA 89102

July 12, 2000

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USDA Forest Service - CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122
FAX: 877-703-2494

4 1 1 5

RE: **Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement**

**Response of the Elko County Public Land Use
Advisory Commission, County of Elko, Nevada.**

RECEIVED

JUL 17 2000

Ladies/Gentlemen:

The Elko County Public Land Use Advisory Commission, Elko County, Nevada are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Nevada and the Nevada Association of Counties. Our comments, today, are general in nature and will be supported by submission or our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

Our review, to date, has revealed the following issues and concerns:

1. The Draft EIS appears to be Biased and Predecisional

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let us cite some examples.

A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.

B. The Vice President's statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And

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 July 12, 2000
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just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. The Draft EIS Does Not Adequately Address the Impacts on Counties and Local Governments.

The Forest Service admits that its assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction - and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. 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. This violates the basic premise of NEPA and leads us to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies.

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers.
- Emphasize interagency cooperation including counties.
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses.
- Study, develop, and describe appropriate alternatives.
- Consult early with State and local agencies.
- Invite the participation of Federal, State and Local agencies.
- Statements shall be concise, clear, and to the point, and shall be supported by evidence.
- Statements shall be analytic rather than encyclopedic.

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- Agencies shall not commit resources prejudicing selection of alternatives.
- Statements shall assess the environmental impacts, rather than justify decisions already made.
- Each statement shall contain a summary that adequately and accurately summarizes the statement.
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives.
- Avoid useless bulk.
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards.
- Incorporate material by reference only when it is reasonably available.
- Insure the scientific integrity of discussions.

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data.

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are fact and which are the authors' personal biases. Here are a few examples:

A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "... the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways--Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

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5. Conclusion

As relief to our concerns, the Elko County Public Land Use Advisory Commission would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

6. Supplementary Statement.

The NEPA process is unconstitutional based on the following data:

"There are serious questions regarding the constitutionality of the implementation of NEPA and the NEPA process within the boundaries of a member State of the Union. In the case, *Public Lands Council v. United States Department of the Interior*, No. 95-CV-165-B, (decided in the United States District Court for the District of Wyoming) the Court said:

NEPA does not require the agency to reach a particular result, "It simply prescribes the necessary process." *Robertson v. Methow Valley Citizens Council*, 40 US 332,350 (1989)... The Court need not decide "whether the (FEIS) is based on the best scientific methodology available, or resolve disagreement among experts." *Seattle Audobon Society v. Moseley*, 798 F. Supp. 1473, 1479 (W.D. Wash 1992). The Court need only ensure that the agency identified areas of scientific controversy and "respond(ed) to adverse opinions held by respected scientists." *Id.* at 1482.

The, the National Environmental Policy Act does not provide for due process and operates outside of the Constitution. There are no provisions for just compensation. If anything, it only provided color of law.

Under the common law right of due process and the Constitution, a statute must be reasonably expected to correct the evil prescribed. *McInerney v. Ervin* (Fla) 46 So 839. There must always be an obvious and real connection between the actual provisions of a regulation and its avowed purpose. Under due process, any action must be based upon the findings of fact and conclusion of law. Under the NEPA process, the agencies are not required to base their decisions or actions on the finding of facts or conclusion of law."

This concludes the response submitted by the Elko County Public Land Use Advisory Commission to the Board of County Commissioners, County of Elko, Nevada.

Thank you for providing the opportunity to local county government entities to comment on the Roadless Area Conservation Draft Environmental Impact Statement.

Sincerely yours,

ROBERTA K. SKELTON
Chairman


by GEORGE R.E. BOUCHER
Elko County Manager

/jw

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 BRAD ROBERTS
 ROBERTA K. SKELTON
 GEORGE R. E. BOUCHER
 ELKO COUNTY MANAGER
 (775) 738-5398 OFFICE
 (775) 753-8535 FAX
 elkocowj@robblbrush.com

Board of County Commissioners
 ELKO COUNTY, NEVADA
 BOARD OF COUNTY COMMISSIONERS
 1200 N. MAIN STREET, SUITE 100, ELKO, NEVADA 89601

July 12, 2000

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 17

RECEIVED
 JUL 17 2000

USDA Forest Service - CAET
 Attention: Roadless Area Proposed Rule
 P.O. Box 221090
 Salt Lake City, Utah 84122
 FAX: 877-703-2494

RE: **Roadless Area Conservation Proposed Rule
 And Draft Environmental Impact Statement**

**Response of the Board of County Commissioners
 County of Elko, Nevada.**

Ladies/Gentlemen:

The roadless policy being proposed by the United States Forest Service represents great concern to the Citizens of Elko County, Nevada. Forest Service lands represent a significant portion of the land mass of this County. They represent the principal watershed component of this County, as well as the majority of the State of Nevada. Consequently, they also represent some of the finest grazing lands found anywhere in the west. Further, the mountain ranges comprising this resource are heavily mineralized. As such, these areas have been highly productive resource areas for both economic gain as well as abundant recreational opportunities, often recognized as such, for the last 150 years.

Because of the above activities, a significant infrastructure of roads exist in this County, representing several thousand miles of all types of roads, including federal, state, county and private. This infrastructure of roads did not just occur because of someone's desire to build a road, rather, each and every one of these roads occurred because of the driving force that built this nation, civilization. The vast majority of these roads were in existence far longer than the United States Forest Service.

This County, as represented by its Board of Commissioners, has and continues to guard these roads with all of its ability for the protection of the health and welfare of the citizens. As such, the Board of Commissioners has passed unanimously two major Forest resolutions dealing with roads in Elko County. They are:

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USDA Forest Service - CAET
 July 12, 2000
 Page - 2

1. Resolution No. 76-94, a Resolution Declaring Elko County Public Roads Across Public Lands.
2. Resolution No. 14-98, a Resolution Establishing County Law and Policy Pursuant to its Policy Within the Nevada Revised Statutes with Respect to Roads within Elko County.

To enforce these resolutions the Board of Commissioners has established a set of maps, commonly known as the "Gardner Maps", duly recorded with the County Recorder as File No. 328522 on October 26, 1992, for all to see. It is the firm resolve of the Elko County Board of Commissioners to treat any proposed road closure that is referenced in any fashion by the above resolutions, or occurs on the "Gardner Maps", in the exact same manner as this Commission has reacted to the attempts by the United States Forest Service to close the County road, commonly called the South Canyon Road, located near Jarbidge, Nevada.

Further, even though the present local administration of the United States Forest Service has assured this County that all existing roads (classified and unclassified) on Forest Service lands will be protected, it is also the firm resolve of the Elko County Board of Commissioners that the existence of these roads (classified and unclassified) must not only be protected now, but for perpetuity. Protection of existing roads (classified and unclassified) must be addressed in the final Environmental Impact Statement, as so noted in the Federal Register and other appropriate media.

Sincerely yours,

ROBERTA K. SKELTON
 Chairman

George R. E. Boucher
 by GEORGE R.E. BOUCHER
 Elko County Manager

RKS/GREB/fjw
 Enclosures

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SUMMARY: Elko County Public Roads Resolution.

RESOLUTION NO. 76-94

A RESOLUTION DECLARING ELKO COUNTY PUBLIC
ROADS ACROSS PUBLIC LANDS

WHEREAS, before the territory of Nevada was settled, the area was inhabited by Native Americans and descendants of Spanish explorers; and

WHEREAS, there were no roads as we know them today, but there were single track ways, pathways, and trails connecting two points; and

WHEREAS, since that time, miners, ranchers, sportsmen, and other members of the public began establishing numerous roads and similar public travel corridors by usage across public lands; and

WHEREAS, in recent years local and state governments and others have been constructing and maintaining roads and highways by mechanical means across public lands; and

WHEREAS, these ways, pathways, trails, roads, stock driveways, highways, and similar public travel corridors have a public purpose such as but not limited to mining, ranching, recreation, water, timber, utilities, wood gathering, hunting, fishing, and sight seeing; and

WHEREAS, the Act of Congress of July 26, 1866 (RS 2477), is evidence that Congress executed a Quit Claim of any right, title or interest in any road, right-of-way, ditch, etc.; and

WHEREAS, NRS 244.155 provides: "The boards of county commissioners shall have power and jurisdiction in their respective counties to lay out, control and manage public roads, turnpikes, ferries and bridges within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carry it control and management into effect."

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ELKO COUNTY COMMISSIONERS DOES HEREBY DECLARE ON THE 17TH DAY OF AUGUST, 1994, THAT:

1. All ways, pathways, trails, roads, county highways, stock trailways, and similar public travel corridors across public lands in Elko County, Nevada, whether passable by foot, beast of burden, carts or wagons, or motorized vehicles of each and every sort, whether currently passable or impassible, that were established in the past, present or may be established in the future on public lands in Elko County, excluding Interstate 80, United States Highways 40, 93 and 93A, and State Highways 225, 226, 227, 228, 229, 232, 233, 278 and 766, are hereby declared to be Elko County Public Roads.

2. All rights-of-way to all ways, pathways, trails, roads, county highways, stock trailways, and similar public travel corridors across public lands that are declared to be Elko County Public Roads are the property of Elko County as trustee for the public users thereof and will consist of a 60 foot right-of-way or more if required to accommodate cuts and fills.

3. Elko County hereby ratifies historic practices in the County that public roads have been maintained either by usage or mechanical means and the County will continue this practice in the future. The County's decision not to mechanically maintain any pathway, trail, road, county highway or similar public travel corridor across public lands shall not terminate or affect in any way such road's status as an Elko County Public Road.

4. This resolution hereby incorporates by reference, NRS 405.193(2) which provides:

No action may be brought against the county, its officers or employees for damage suffered by a person solely as a result of the unmaintained condition of a road made public pursuant to NRS 405.195.

5. Pursuant to NRS 405.193, Elko County disclaims all duty and responsibility of maintenance of the Elko County Public Roads so designated pursuant to this resolution.

6. Abandonment or road closure of any Elko County Public Road across Public Lands must follow procedure in accordance with Nevada Revised Statutes and only after public hearings. See NRS 405.195.

7. That a copy of this Resolution be forwarded to all interested parties and the Resolution shall be followed by an ordinance.

ORIGINAL

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Proposed this 17th day of August 1994, by Elko County Commissioner Skelton. Passed and adopted this 17th day of August 1994.

Vote: Ayes: LLEE CHAPMAN, MIKE NANNINI, ROBERTA SKELTON, BARBARA WELLINGTON. Nays: NONE. Absent: DALE PORTER.

Signature of Chairman of the Board, CHAIRMAN OF THE BOARD

ATTEST:

Signature of Karen Vasquez, KAREN VASQUEZ, Elko County Clerk

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ELKO COUNTY, NEVADA RESOLUTION # 14 - 98

A RESOLUTION FROM THE BOARD OF COMMISSIONERS, ELKO COUNTY, NEVADA, ESTABLISHING COUNTY LAW AND POLICY PURSUANT TO ITS AUTHORITY WITHIN THE NEVADA REVISED STATUTES WITH RESPECT TO ROADS WITHIN ELKO COUNTY, AND OTHER MATTER RELATED THERETO.

WHEREAS, Elko County, Nevada, is a political subdivision of the sovereign State of Nevada, and;

WHEREAS, Elko County (through its Board of County Commissioners), is charged with the fiduciary public trust obligation to protect right of way and access of roads and protect the economic, environmental and general welfare of Elko County for its Citizens and their Rights through consistent enforcement of the Nevada Revised Statutes (NRS), Laws of the United States (USC) and Elko County Code, and;

WHEREAS, Elko County is scheduled to take action on this issue in regular session pursuant to proper request of the Citizens of Elko County and the "Regular Meeting Agenda" item dated for the Board of Commissioners meeting this day, and;

WHEREAS, the Citizens of Elko County have expressed concerns that their right of road access is under attack and has petitioned that the county take action to secure their road access within the county, and;

WHEREAS, this Board of Commissioners has reviewed certain maps setting apart the County's roads and recorded in the office of the Elko County Recorder and finds said maps to be an accurate set of documents defining the County's road structure within Elko County securing all rights of road access for its Citizens.

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WHEREAS, this Board finds that Nevada achieved statehood in 1864 and that neither the county nor its Citizens are bound by the decisions of any agency attempting to redefine roads and/or right of access under the Act of 1866 (RS2477).

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. THAT, the Board of Commissioners for Elko County, Nevada, by and through this Resolution is acting within its sovereign capacity in and for the County of Elko as the Legislative and Administrative body and that this Resolution establishes the law and policy on road access within Elko County and that said right of road access shall not be interfered with or impeded by any agency acting beyond its authority.
2. THAT, this Board establishes herein and adopts that the maps filed in the office of the Elko County Recorder, in File #/Map Case 328522, Exhibits A-1 through T-1, Sheets 1-40, properly define the county roads of Elko County, Nevada in and for the benefit of its Citizen's and the public's right of road access and the roads defined and set apart within said maps are not be construed as all inclusive.
3. THAT, Elko County reserves its sovereign right under the law to amend said maps at any time in the future for road expansion when the facts present it is necessary to do such.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Elko County Recorder (for proper recording with herein identified maps), each member of the 1997 session of the Nevada Legislature, Governor for the State of Nevada, Nevada's Attorney General, each member of Nevada's delegation to the Congress of the United

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States, the President of the United States, the Secretary of the Agricultural, all State and Local agencies and local federal agencies.

PROPOSED by Commissioner Chapman

Seconded by Commissioner Skelton

PASSED and ADOPTED this, 4th day of February, 1998.

VOTE:

AYES - R. Llee Chapman, Tony Lesperance, Mike Nannini, Roberta Skelton

NAYES - NONE

ABSENT - Royce L. Hackworth

SIGNED:

Mike Nannini
MIKE NANNINI, VICE CHAIRMAN

BOARD OF COUNTY COMMISSIONERS
ELKO COUNTY, NEVADA

ATTEST:

Karen Dredge
KAREN DREDGE, COUNTY CLERK

SEAL

JUL-17-2000 11:54

ESMERALDA CO. COMMISSION

K 1 2 5 6F 16085¹



BOARD OF COUNTY COMMISSIONERS
ESMERALDA COUNTY, NEVADA

MEMBERS
BENJAMIN VILJOEN, CHAIRMAN
GARY O'CONNOR, VICE CHAIRMAN
HARRIET EALEY, LIQUOR BOARD

STAFF
BEVERLY J. RELYEA
ADMINISTRATIVE ASSISTANT
(775) 485-3406; FAX: (775) 485-6351

1861
USDA Forest Service - CAET
P. O. Box 221090
Attn: roadless Areas Proposed Rule
Salt Lake City UT 84122

July 10, 2000

CAET RECEIVED
JUL 17 2000

Dear Forest Service,

RE: Forest Service Roadless Area Conservation Draft Environmental Impact Statement

The Esmeralda County Commission has conducted a review of the aforementioned document. Many disturbing findings show a definite need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the draft EIS is woefully inadequate and meaningful analysis is not possible.

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ESMERALDA CO. COMMISSION

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If you choose not to pursue either of the above courses of action you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

Benjamin Viljoen, Chairman
Esmeralda County Commission
State of Nevada

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State of Nevada
Esmeralda County Review of Forest Service
Roadless Area Conservation Draft Environmental Impact
Statement

Esmeralda County is in support of the comments made by Nevada Association of Counties and find following a summary of review findings.

This summary represents inconsistencies, errors, deficiencies and biases found in a detailed and comprehensive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

1. NEPA Deficiencies
2. Range of Alternatives
3. Ecological Factors
4. Fire
5. Vegetative Treatment
6. Recreation
7. Impacts to Counties
8. Risk
9. Transportation
10. "Conservation" of Roadless Area
11. Costs of Implementation
12. Land Allocations
13. Mitigation
14. National vs. Local Analysis
15. Summary Document

1. NEPA Deficiencies

A review of the Forest Service Draft EIS indicates numerous deficiencies in meeting the Council on Environmental Quality Regulations (40 CFR 1500-1508) that govern the National Environmental Policy Act (NEPA) process. These deficiencies include:

- a. Lack of interagency cooperation and consultation with local governments

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- b. Failure to request participation from local governments
- c. Insufficient range of alternatives
- d. Taking actions that prejudice selection of alternatives
- e. Prejudiced selection of the proposed alternative
- f. Biased assumptions and conclusions
- g. Failure to support assumptions, effects, and conclusions with evidence
- h. Excess bulk, lack of clarity, and difficult to understand
- i. Incorporation of material by reference that is not readily available
- j. Inaccurate summary
- k. Lack of scientific integrity
- l. Inadequate specific information on environmental effects

2. Range of Alternatives

Far less than a full range of alternatives are to be considered within the document. Most prohibition alternatives reiterate regulation, policy or requirement by law. In example, alternatives were developed that require project level analysis or forest planning to determine effects when entering roadless areas for any reason. However, Forest Service direction, law or regulation currently requires these activities. This represents the "No Action" alternative, rather than additional alternatives. Therefore, the alternatives developed do not represent a full range as required by CEO regulations. Alternatives are developed without regard to effect on the historical use for "public" land utilization. In example "all existing roads would be scheduled for closure and removal in a timely manner". Areas have been developed historically for various reasons including conservation, ecological factors, economic factors, recreations and more. Past reasons and future uses do not disappear because the Forest Service inventories them as roadless areas. The definition of a roadless area includes "standard passenger vehicles" as a requirement; most of these roads were originally made for other types of vehicles. Such rule making will allow a permanent restriction on the future use and access to an area based solely on the fact that a road does not presently exist in the area according to Forest Service inventory.

3. Ecological Factors

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, roadless recreation, etc. The Bureau of Land Management, National Park Service, Fish and Wildlife Service, all should be considered. Since this analysis is on a national scale all agencies need to be considered for their contribution to the numerous ecological and resource use factor. If the Forest Service does not want this analysis on a national scale the agencies to be collaborated with are the individual county governments concerning each individual case.

4. Fire

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The document references increased risk of catastrophic fires. The need is identified for fuel reduction, through mechanical and prescribed fire treatments, to reduce risk. Ponderosa Pine forests are used as examples however this species is a short-fire interval species and does not represent a majority of forested areas across our great nation. Long-interval fire species, such as lodgepole pine and spruce should be the addressed species for aging, subject to insect and disease and contribute to fire risk. In recent years, (1988 fires in Yellowstone, Montana, Wyoming, and Idaho) many of the catastrophic fires did not occur in Ponderosa Pine ecosystems. Fireline insertions WOULD be feasible for these species as treatment against catastrophic fire. Thinning and prescribed fire are LESS feasible. The forest Service needs to display the acres of short-interval fire ecosystems v. long-interval fire ecosystems in order to comprehend the magnitude of this problem.

5. Vegetative Treatments

Much of the document references the use of fire and mechanical treatments (thinning for vegetation and ignores or provides arguments against the use of timber harvest and fire lines. The proposed action alternatives will have many of the same effects.

6. Recreation

We are opposed to broad policies to eliminate road construction just because an area is currently roadless. This policy would prohibit the future development and severely curtail multiple use activities in roadless areas even if there is a significant social value placed on that potential development or use. We believe the Forest Service SHOULD allow for the construction of roads in roadless areas if there is a locally determined social value to do so.

Historically, roads were developed for recreation, food supply (hunting & fishing), and pure enjoyment of the various areas of our great country. Never is the time to permanently close "Forest Service inventoried roadless areas" on "public" land. The definition of a Recreationist (1904) one who seeks recreation especially in the outdoors; how can this be accomplished if the person is prohibited from being on the land outdoors?

The entire recreation section focuses on the supply side of recreational opportunities. The document states the demand for roaded recreation opportunities are increasing; however the focus is on making more unroaded recreation opportunities available. If the Forest Service cannot sustain the maintenance of roads, more collaboration should be made with the county and state government in needed areas, rather than classify areas roadless to alleviate the maintenance expense.

7. Impacts to Counties

There are numerous impacts that will affect counties. We believe management decisions on individual forests should be made in cooperation with the state and local governments

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and with residents of the affected area, since these agencies and individuals will be impacted the most.

The proposed rule identifies the type of impact assessment and most impacts are described as a "qualitative discussion" and not "quantitative" analysis. This leaves local officials in the dark about how the proposal will impact their jurisdiction. During public meetings Forest Service officials state not all roads and/or trails in roadless areas will be closed. However the document states the opposite.

8. Risk

The document refers to the risk of implementing many actions. There is an appearance that the risk of catastrophic fire, greater human impact, impacts to communities, etc. is acceptable but the risk of road construction, reconstruction, and timber harvest is not acceptable. The management of forests or public land appears to be against the public rather than FOR the public.

9. Transportation

The document does not address impacts to jobs, income, and local economies as a result of prohibiting road construction, reconstruction and maintenance. Historically our "lands", and access to them, have offered the people of the United States their livelihood, pleasure and home.

10. "Conservation" of Roadless Areas

Preservation and protection of the roadless areas are what this document proposes, not "conservation". Preservation and protection leads the public to believe closure and non-use as the end result. Conservation is more appropriately defined as the "wise use" of resources - not withdrawing them from use.

11. Costs of Implementation

The draft EIS suggests that little funding will be required to implement the Proposed Action. However, many associated costs pertaining to management, including field and administrative personnel in each area along with costs pertaining to fire suppression, fuel reduction, mitigating impacts, planning, etc. are not sufficiently addressed. In addition, the Forest Service withdrew funding for FY2000 from every national forest to conduct this roadless analysis at the expense of producing local goods and services.

12. Land Allocations

Normally, the Forest service employs the forest land management planning process to make determinations of land allocation with full public input and disclosure. This document refers to special areas be designated by the Forest Service for purposes of preservation, such as conservation reserves, buffer zones, ecoregions, etc. that have no

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legal or regulatory standing in management of the national forests. This would be other rights taken away from the People of our Country.

13. Mitigation

In order to deal with the Forest Service, it is suggested in the document that communities be stripped of resources while attempting to fund their resiliency, attract new business and diversify their economy by using Rural Development funding to offset impacts. The document proposes to take funding from proactive communities to mitigate these impacts. Rather than mitigation and monies needed for rural development taken for Forest Service impacts, is not the true answer individual collaboration with local government in each individual case to eliminate these redundant rules and regulations that should not apply to "all Forest Service lands"? The Forest Service is to manage the public lands not restrict and close off from the public. Who will enjoy the closed public land, buffer zones, and special areas the Forest Service personnel?

14. National Vs. Local Analysis

The Draft EIS many times references the fact that not enough information is available to assess impacts of the proposed action or alternatives on local communities and forests. This is sufficient reason that this decision must be made at the local level using the forest plan revision process and emphasizing participation of local governments, conservation districts, rural fire departments, and counties in each individual case. A decision of this magnitude cannot be made at the national level and address all of the potential impacts to local communities and national forests.

15. Summary Document

The summary does not present a true recap of the information contained in Volume 1 of the Draft EIS. Items of utmost importance are in the summary that does not coincide with the full document. For example:

- a. The statement "No roads or trails would be closed because of the prohibitions" is included in the Summary; while the quote in Volume One states "all existing roads would be scheduled for closure and removed in a timely manner". This is misleading when reading the Summary. The main document provides unlimited discussion on why roads should be obliterated and closed rather than show the historical, economical, social or any other type of reason for continued use.
- b. The Summary omits the importance of the local managers having power to decide on the future disposition of roadless areas.
- c. Importance to community health in regard to economics, stability, dependency for survival etc. has not been defined in relation to roadless areas. These resources are the fabric that holds many communities together only the watershed and ecosystem health are defined for the importance of roadless areas in the Summary.

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Esmeralda County Commission, State of Nevada would like to take this opportunity to thank you for the invitation to comment on the aforementioned Draft Environmental Impact Statement.

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1 Resolution No. 99-015

2
3 RESOLUTION OF THE
4 ESMERALDA COUNTY, NEVADA BOARD OF COUNTY COMMISSIONERS
5 SEEKING COOPERATIVE AGENCY STATUS; REQUESTING ASSURANCE
6 THAT ECONOMIC AND SOCIAL IMPACTS WILL BE ADEQUATELY EXPLORED;
7 AND OPPOSITION TO USFS PROPOSAL

8 WHEREAS, on October 13, 1999, President William Jefferson Clinton directed the
9 United States Forest Service [USFS] to begin "an open and public dialog" about the future
10 of purported "roadless areas" which have been inventoried by the USFS; and

11 WHEREAS, on October 19, 1999, the USFS published in the Federal Register
12 proposed rules, which, if promulgated, will immediately and, pending the conclusion of
13 public dialog and any actions resulting from that dialog, restrict certain activities, such as
14 road construction, reconstruction and maintenance, in the inventoried "roadless areas;"
15 and

16 WHEREAS, the public comment period on the current scoping hearings will end
17 December 20, 1999, with written comments to be mailed to USDA Forest Service-CAET,
18 Attn: Roadless Areas NOI, P.O. Box 221090, Salt Lake City, UT 84122; and

19 WHEREAS, the Esmeralda County, Nevada Board of Commissioners, a political
20 subdivision of the State of Nevada, has legal responsibility, authority and jurisdiction to
21 participate in and facilitate for its constituents the "open and public dialog" regarding
22 roads and "roadless areas," as called for by President Clinton. It is imperative for
23 Esmeralda County to be involved in the proposed rule-making process in order to protect
24 the economic and social viability, general well-being and other vital interests of its
25 constituents and visitors to Esmeralda County; and

26 WHEREAS, Esmeralda County has a right pursuant to 40 CFR section 1501.7 to
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1 request and receive "cooperative agency" status for purposes of this rule-making process;
2 and

3
4 WHEREAS, the Esmeralda County, Nevada Board of Commissioners agrees that it
5 is in the best interest of the constituents of Esmeralda County that, on behalf of Esmeralda
6 County, it seek cooperating agency status, it urge full investigation of the impacts of the
7 proposed rules, and it ask USFS to consider a viable alternative to the proposed action;
8 and

9
10 WHEREAS, a review of the USFS proposal(s) suggests that this is an effort to create
11 a new classification of public lands designation which would severely limit the public's
12 access to their public lands, limit or eliminate road construction in areas designated
13 "roadless," prohibit future development and curtail multiple use activities;

14 NOW THEREFORE, IT HEREBY IS RESOLVED AS FOLLOWS:

15
16 1. The Esmeralda County, Nevada Board of Commissioners, a political subdivision
17 of the State of Nevada, is on record that it opposes this broad policy, with little time given
18 to muster constructive public input, to eliminate road construction just because an area
19 is currently "roadless." In addition, the Esmeralda County, Nevada Board of
20 Commissioners is on record that the USFS should allow for the construction of roads in
21 "roadless" areas if there is a locally determined social value to do so.

22
23 2. The Esmeralda County, Nevada Board of Commissioners is also on record that
24 the USFS should extend the December 20, 1999 deadline for public comment for an
25 additional 120 days.

26 ///

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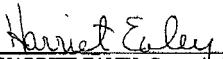
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1 3. The Clerk of the Board of Commissioners is directed to forthwith forward a copy
2 of this resolution to the USDA Forest Service-CAET at the address reflected herein.

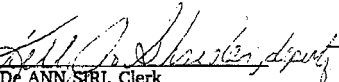
3
4 PASSED, ADOPTED and APPROVED by the ESMERALDA BOARD OF COUNTY
5 COMMISSIONERS this 17th day of December, 1999.

6 
7 BENJAMIN VILJGEN, Chairman

8
9
10 GARY O'CONNOR, Vice-Chairman

11 
12 HARRIET EALEY, Commissioner

13 ATTEST:

14 
15 De ANN SIRI, Clerk
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DISTRICT ATTORNEY, ESMERALDA COUNTY
P.O. BOX 339
GOLDFIELD, NEV. 89013-0339
PHONE: 775-485-6352 • FAX: 775-485-6356

Eureka County
Public Land Advisory Commission
POB 682
Eureka, NV 89316

10 July 2000

USDA Forest Service-CAET
POB 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

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RECEIVED
JUL 17 2000

To Whom It May Concern:

Enclosed are the Eureka County Public Land Advisory Commission's (ECPLAC) comments and response to the Roadless Area Conservation Proposed Rule (hereinafter "proposed rule") and Draft Environmental Impact Statement (DEIS).

Executive Summary:

There are approximately 9,600 acres of the Toiyabe National Forest that are within the boundaries of Eureka County, at the southwest corner of the county. Within this portion of the Toiyabe NF, there is an "inventoried roadless area" (IRA) per Map 5 of the Humbolt-Toiyabe National Forest, dated March 1, 2000. While this area is identified as "roadless," there are in fact, at least two roads of common use within the IRA, in which Eureka County's road department have performed for the US Forest Service. The definition of "roadless" as used by the USFS is rather tortured. For example, to call the area of the Toiyabe NF within Eureka County a "inventoried roadless area," the following definition is used by the USFS: "While many in inventoried roadless areas remain 'roadless,' others have been roaded to varying degrees. If implemented, the proposed action would require responsible officials to apply the rule only to those portions of inventoried roadless areas that have not been roaded since the area was inventoried."

The Eureka County Public Land Advisory Commission supports the "no action" alternative. The Proposed Rule is unnecessary as the USFS already has sufficient and ample administrative authority to control the construction and development of roads in National Forests and USFS-controlled lands. Indeed, this is clearly stated: "Under current agency management policy, local agency officials have the authority to make decisions about road construction on the national forests and grasslands on a case-by-case basis." The Cost-Benefit Analysis contains little substance to uphold any quantifiable economic benefit from the proposed rule. And the Draft EIS does not address site-specific analysis, which is recommended in 40CFR1502.20 and 40CFR1508.28.

I. Comments on the Cost-Benefit Analysis.

ECPLAC finds several contradictory and conflicting statements in the document titled "Cost-Benefit Analysis for the Proposed Rule on Roadless Area Conservation" dated April 19, 2000, (hereinafter called "the CBA") which call into question the validity and thoroughness of the cost-benefit analysis:

- There is no cumulative analysis and the USFS does not address "past, present and reasonably foreseeable events" per the language in 40CFR1508.7.
- Throughout the entire CBA, there is little foundation, quantification or substantiation of the benefits of the proposed rule. The CBA repeatedly makes note of "qualitative" benefits, which are based on perception rather than economic analysis that is required in public policy documents, particularly a cost-benefit analysis.
- On p. 8 of the CBA, there is a statement addressing cost savings: "Implementing the rule, as proposed, could result in agency cost savings. First, local appeals and litigation about some management

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

Roadless Area Conservation

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activities in roadless areas could be reduced, which would avoid future costs.”

This statement is purely speculative. There is no data in the CBA showing how much money has been spent on litigation to date, by whom, for what and there is no quantification of how much of the litigation brought in the past might be avoided in the future. Further, there is no thought or analysis given to how much litigation might be brought against the USFS and agencies in the future as a result of this rule. Therefore, this statement is purely speculative and without any merit in the CBA.

- Also on p. 8 of the CBA, from the same paragraph: “Secondly, the reduction in miles of roads construction would reduce the number of miles the agency is responsible for maintaining, resulting in avoiding up to an additional \$565,000 per year of costs.” While the USFS enumerates this as the only quantified cost savings, there is the following quantification of increased costs on p. 10: “The procedural provisions would be applied to the 54 million acres of inventoried roadless areas, as well as up to 95 million acres of other National Forest System lands. The procedures would add about \$11 million to planning costs over the next 5-15 years.” Using a median figure of 10 years for these procedures, we can infer an increase of \$1.1 million per year in administrative costs as a result of the procedures resulting from the proposed rule.
- The CBA only briefly details the expected decreases in forest product and mineral leases, with a low estimate decrease in direct income from the proposed rule of \$9,702,000 from timber leases alone. There is no quantified analysis of how the proposed rule would result in any increase in economic activity to make up for this decrease in revenues.
- On p. 26 of the CBA, it states that “Mineral activities on National Forests and Grasslands generated over \$100 million in receipts to the U.S. Treasury...” The CBA further estimates that there are 4,684 metric tons of gold, 142,036 metric tons of silver and over 200 million tons of copper, lead and zinc resources contained in the inventoried roadless areas. There is no attempt to compute the value to the U.S. Treasury of the potential loss of mineral lease income in the proposed IRA’s and no attempt to compute the loss in state and local mineral tax revenue from the proposed rule. Further, there is no attempt to compute the secondary tax revenue decreases from the loss of jobs, sales and property taxes at the state and local levels where the proposed rule would impact local economic activity.

The net summary of all the quantifiable data that is found in the CBA shows a net loss to the U.S. Treasury from the proposed rule, with the quantifiable costs larger than the benefit by at least an order of magnitude. The effects on state and local economies are not quantified outside the timber industry, regardless of how substantial they might be. The projected savings are far below the \$8.4 billion road repair and reconstruction backlog stated in the DEIS, p. S-4. Given that Eureka County derives substantial tax and economic revenue from mining and mineral extraction activities, ECPLAC questions the adequacy of the analysis and the information in the document. Clearly, the CBA was prepared in a timeframe too short to allow for a proper and thorough analysis and it is difficult to understand how the USFS could hope to prepare a complete and thorough analysis in the timeframe the agency allowed for this activity. In area after area, the USFS attempts to reduce the required analysis to a summary of “...the overall level of activity is expected to continue to trend downward...” without any analysis of the rate of decrease, the timeframe of the trend and other basic analytic substantiation.

II. Comments on The Draft Environmental Impact Statement (DEIS).

1. The DEIS considers only this one proposed rule. The USFS has two other rules out for public comment (“Road Management Policy, 36CFR212 and “Land and Resource Management Planning Rule, 36CFR217 & 219). These three rules are related, indeed per p. S-46 of the DEIS: “It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands.” Per 40CFR1508.25(2), the impacts of these three proposed rules should be discussed in the same EIS. They are not.
2. The general and consistent manner in which the DEIS is written is very insubstantial. In most all cases, the consequences of the proposed rule are discussed in very general terms, with very little quantified impact analysis. There are few meaningful comparisons between the “no action” alternative and the preferred alternative.
3. The DEIS does not adequately analyze the impacts to the mining industry. The DEIS claims that there is not adequate information on the mining industry at the national level to assess the impact. In fact,

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

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there is substantial information available on mining revenues at the state and local level, both for private sector revenues and employment information as well as tax receipts to state and local governments. Per 40CFR1502.9, the USFS has clearly provided a DEIS which is so inadequate as to preclude meaningful analysis. Per 40CFR1502.9, “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” ECPLAC hereby formally requests a revision to the DEIS to show meaningful analysis of the impacts of the proposed rule to the mining industry.

4. In addition to the failure to adequately quantify the analysis of the impacts to the mining industry, the DEIS fails to quantify impacts to state and local government tax revenues from impacts to the mining, oil, gas and other non-forest extractive industries. There is no discussion under “Mitigation Options” (p 3-243) of mitigation of lost mining, oil and gas revenues to state and local governments.
5. Page 3-177 states that most ranchers depend on off-farm income to remain economically viable. This is not true for the majority of central, eastern and northeastern Nevada ranchers. The statement appears to originate in the “Socioeconomic Specialist Report” on Livestock Grazing, wherein it is stated “The cattle-raising subsector consists of nearly 650,000 ranches. Most are small, specializing in cow-calf and feeder cattle production. Most operators work full time off the ranch, and have operations which are suited to small-scale production.” This is a broad assessment across these 650,000 ranches nationwide. Applying such nationwide statistics to those ranchers who would be affected by the proposed rule will give a highly inaccurate assessment of the impact of the rule to ranchers with grazing allotments in the IRA’s under the proposed rule. For the majority of central/eastern Nevada ranches, the application of the national statistics leads to an utterly flawed analysis.
6. Page 3-195 and tables 3-49, 3-50 and 3-51 indicate a 50% confidence in the gross value of metals, minerals, oil, gas and coal in affected areas to be \$7.5 trillion dollars. The coal, oil and gas figures alone are quite substantial when viewed in the context of our current and future energy requirements and their economic multipliers from price increases in these commodities. Given the EPA’s incentives to electric power producers to convert to natural gas as part of an overall initiative towards cleaner air, the analysis of the proposed rule’s impact on the nation’s natural gas supply is inadequate.
7. The cumulative analysis fails to analyze all past, present and reasonably foreseeable future actions that have impacted or will impact access and use of National Forest lands, including (but not limited to) loss of timber, mining, oil and gas extraction jobs, state and local tax revenues and economic multipliers resulting from these activities.

III. Comments on the Proposed Rule.

As stated in the Executive Summary of this letter, ECPLAC believes the proposed rule is not necessary. Aside from this general finding, ECPLAC also notes the following:

1. In Section 294.11, “Definitions”, the definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should also be expanded to roads that are planned or managed or used for wheeled vehicle access.
2. The proposed rule must make clear that the definition of Road Construction, Road Maintenance and Road Reconstruction does not apply to classified roads other than USFS roads.
3. The USFS does not clearly define what constitutes road rebuilding and minor maintenance in Section 294.11.
4. In Section 294.12(b)(3), clarification and amplification is required with respect to mining claims. The rule must address the USFS’s intent with respect to locatable minerals, gas and oil deposits. Development of minerals, gas and oil that could be leased should also be clarified and excepted from the rule.
5. In Section 294.13(b)(2), too much latitude is allowed for the responsible official. This section should be removed from the proposed rule.

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

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IV. Violations of Federal Advisory Committee Act of 1972

ECPLAC also notes that in a "Preliminary Staff Review" of the US House Committee on Resources, dated February 18, 2000, that the USFS appears to be in violation of the 1972 Federal Advisory Committee Act. As stated in the Preliminary Staff Review, a recent memorandum from the Chief of the USFS on Oct. 2, 1995 warns: "no group can become a preferred source of advice for the agency without sparking FACA concerns." The Preliminary Staff Review shows that the USFS did, in fact, prefer the counsel of a small, select group of environmentalists to the exclusion of all other users of USFS lands. Further, the USFS gives ample evidence that the spirit and letter of FACA was not followed when the list of references for the CBA is examined. In a list of 50 references, only one cited source could be found that might reflect input from an affected industry or economic sector when there are no fewer than four extractive economic sectors which clearly have a large economic interests in this policy and several other groups of users of USFS lands who were not consulted at all. Clearly, there has been little consultation or input sought from the spectrum and a preference for only one point of view has been exhibited, which is clearly in violation of FACA.

These violations of FACA are especially noteworthy given the USFS's own regulations in 36CFR219 clearly specify an interdisciplinary approach to USFS resource and policy planning at the local level. The proposed rule specifically states an intent to supercede local resource and policy planning with a national policy, perhaps with an intent to sidestep adherence to 36CFR219. In light of the recent poor relationship between the USFS, district USFS officials and local communities in central and northeastern Nevada, this is clearly an unwise policy decision, with a probable outcome of further degrading the relationship between the USFS, local governments and local users of USFS lands in northeast Nevada for some time to come.

Sincerely,

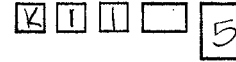
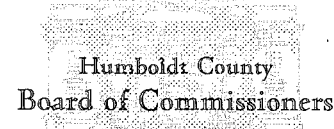
Jim Baumann,
Chairman Eureka County Public Land Advisory Commission

CC:
Eureka County Commissioners
Governor Kenny Guinn
U.S. Senator Harry Reid
U.S. Senator Richard Bryan
U.S. Representative Jim Gibbons

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

County Commissioners:

JOHN H. MILTON III, *Chairman*
JANET C. KUBICHEK, *Vice Chairman*
DAN CASSINELLI
BUSTER DUFURRENA
CHUCK GIORDANO



June 28, 2000

USDA Forest Service-CAET
Post Office Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED

JUL 05 2000

Dear Sirs:

Attention: Roadless Areas Proposed Rule

Thank you for the opportunity to review and comment on the proposed Roadless Areas Rule. The Humboldt County Commission has reviewed the Draft Environmental Impact Statement and would offer the following comments.

We have reviewed the map for the Santa Rosa District of the Humboldt-Toiyabe National Forest which is located in our County. This rule proposes to include 210,000 acres of the District in roadless status. The existing map shows numerous roads on the District, however we are not certain that all of the roads on the map are classified roads. We feel very strongly that none of these roads should be closed by this rule or by the proposed Road Management Rule. Consequently we would recommend that the rule be modified to allow the local Forest Manager to update the roadless inventory through the Forest Planning process to insure that all existing roads are in the inventory and will continue to be available for use by the public. Once this local analysis is completed, the boundaries of the roadless areas could be adjusted. We would also recommend under the prohibition alternative that an exception be made to allow the reconstruction of an existing road if the road is washed out or destroyed by an act of God such as a cloud burst. Our existing roads must remain open and access provided to the Forest.

We note that the DEIS speaks to the increasing demand for dispersed, developed, and road dependent recreation. In our review of this proposed rule, it appears that this demand is being ignored. As the population ages, this demand will only increase. One way to address this demand and still protect the roadless characteristics of these areas is to widen the buffer area of existing roads. While we could not find a specific reference to the buffer

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size, we feel that a minimum of one half mile on each side of the road would allow the local Forest Manager the latitude to plan for recreation and other uses which are road dependent.

We also note that this rule appears to allow access to locatable minerals even if they are in a roadless area. While it appears that the level of analysis required to permit this activity is less than in the Road Management Rule, it is imperative that this access be allowed as quickly as possible and that it not be tied up in a long drawn out permitting process.

In the last year the Forest Service has issued three proposed rules which may not be consistent with each other. These are the Planning Rule, the Road Management Rule, and the Roadless Area Rule. These rules need to be reviewed together to ensure that the conflicts, contradictions, and inconsistencies are resolved prior to adoption of any of the rules. The local Forest Managers in cooperation with the people most affected must be given the authority to implement these rules at the local level. Top down driven policy is not good public land management practice.

Sincerely,

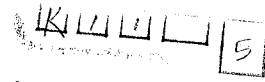
John H. Milton III
Chairman, Humboldt County Board of Commissioners

JHM/kb

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Lander County Board of Commissioners

William Elquist, Chair
Mickey Yarbrow, Vice-chair
Cheryl Lyngar, Member



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Maps in File
To bring copy

July 12, 2000

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JUL 13 2000

USDA Forest Service-CAET
P. O. Box 221090
Salt Lake City, UT 84122

Attention: Roadless Areas Proposed Rule

To Whom It May Concern:

Enclosed are Lander County's comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). There are approximately 300,000 acres of National Forest lands in Lander County, the majority of these lands are included in the unroaded portion of the inventoried roadless areas. Several minor County roads are included in the inventoried roadless area, and or form the boundaries of the unroaded portions. At least two areas have been identified on Forest Service maps as unroaded when in fact minor County roads appear to cross through them. Approximate locations are shown in Attachment A (T16N, R41E Elkhorn Pass and T15N, R46E Clipper Gap Canyon). A copy of the draft Lander County Road Map is included as Attachment B. Lander County intends to maintain or reconstruct these roads as necessary in accordance with direction established by the Board of County Commissioners.

Lander County supports the no-action alternative. The Forest Service already has adequate administrative authority to control road development and manage National Forest Lands. Pg. S-7 states, "Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action". In Lander County a majority of the unroaded portions of inventoried roadless areas already have vehicle access restrictions. As a result, the proposed rule is very similar to the no-action alternative. It is difficult to see how the proposed rule would achieve the purpose and need of the proposed action. The proposed rule is overly restrictive and limits local decision-making authority, particularly in communities that rely upon the development and use of natural resources on National Forest Lands.

315 South Humboldt Street <> Battle Mountain NV 89820
Phone: (775) 635-2885 <> Fax: (775) 635-5332

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National Forest Lands in Southern Lander County (Toiyabe, Shoshone and Toquima Ranges) provide for a multitude of competing uses and have a long history of mineral exploration and development. In fact, most of the unroaded roadless inventoried lands fall within active mining districts (Reese River, Birch Creek, Big Creek, Kingston, Washington, and Spencer Hot Springs). These districts (Attachment C) have produced a variety of minerals including gold, silver, tungsten, uranium, copper, lead, zinc, and molybdenum, etc. Lander County is opposed to any Forest Service administrative rules or policies that would interfere with or unnecessarily increase the cost of exploration and development of mineral resources. Each year thousand of mining claims are filed in Lander County.

The proposed rule is somewhat confusing with respect to mineral exploration and development, particularly as it relates to locatable minerals. The rule appears to allow road construction only in the case where existing valid mining claims exist. The language of the proposed rule is unclear with respect to development of claims filed in the future. The County is also opposed to the language in the rule that prohibits the development of leaseable minerals. The development of leaseable minerals is a Forest Service decision. Once the proposed rule is in place, the Forest Service could not implement a decision contrary to Section 294.12.

If the Forest Service is unwilling to include leaseable minerals in the exceptions, Lander County is opposed to any retroactive prohibition to development activities unless adequate mitigation measures are negotiated with affected parties and included in the Record of Decision as committed mitigation.

We note that Tables 3-49, 3-50, and 3-51 show that there is more than \$7.5 trillion dollars in gross value of metal, oil and gas, and coal resources on inventoried roadless areas which may never be developed due to prohibition in the rule. We find it interesting that the current administration again moves to place restrictions on western coal development perhaps looking towards other areas like Indonesia for such resources.

The analysis in the EIS indicates that natural resource users could face regulatory abuse. Page 3-143 states, "*These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics*". This section goes on to imply that an EIS would likely be required for road building in the inventoried roadless areas that would increase the cost to develop the site. There is no clear justification as to why such a requirement would now have to be more strictly enforced. The designation of an area as roadless does not necessarily result in any greater environmental impact than would occur if the area were not roadless. NEPA was not intended to become a regulatory roadblock to be used solely to increase cost and discourage development. Since mineral exploration and claim development are exempted from the proposed rule, the Forest Service cannot simply employ a more stringent standard to achieve what was not allowed in the rule.

There is no cumulative analysis. The Forest Service does not even attempt to address past, present, and reasonably foreseeable events. Instead the cumulative analysis section relies upon a discussion of two other pending rules. Clearly, the Forest Service has not met its obligation under 40CFR1508.7.

The County is concerned about the adequacy of the analysis and information in the document. This DEIS has been prepared in a somewhat expedited fashion. It is difficult to understand how the Forest Service could prepare an adequate analysis of a proposed action that affects such a large area and includes so many critical and contentious issues. In some cases there is little or no analysis of impacts and the Forest Service repeatedly attempts to down play impacts and the importance of traditional natural resource industries while promoting the so called "non-use values" of a rather small minority of the population. No where in the analysis does the Forest Service prove or show with any certainty that environmental conditions will improve even slightly over the no-action alternative. In other words the Forest Service proposal does not live up to the purpose and need described in the DEIS.

Instead this roadless initiative appears to be an attempt to pander to a rather small segment of the population who embraces "non-use values" at the expense of the timber and mining industries, communities that rely upon those resources, and more traditional recreation users. The expedited timeframe for completion, limited analysis, questionable need for the proposal, and subversion of true public debate undermines the credibility of the Forest Service and further erodes the trust and confidence our community has in this agency's ability to manage lands and resources. For these reasons and the comments attached, the Forest Service should withdraw this proposal or adopt the no-action alternative.

If you have any questions concerning this proposal, please do not hesitate to call me at (775) 635-2885.

Sincerely,



Bill Elquist, Chair
Lander County Board of Commissioners

BE/sr

Attachments

cc: Governor Kenny Guinn w/comments
U.S. Senator Reid w/comments
U.S. Senator Bryan w/comments
Congressman Gibbons w/comments

**Lander County, Nevada Comments to
The Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement**

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I. Comments on the Proposed Rule

The proposed rule is unnecessary. The Forest Service has the ability to manage lands for road development under their current authority. In Lander County most unroaded portions of an inventoried roadless area are already within travel restricted areas.

Section 294.11 Definitions

The definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should be expanded to roads that are *planned or managed, or used* for motor vehicle access.

Section 294.11 (3) *Rebuilding* This Section is unduly restrictive. It appears that it would apply to a classified road that is currently below its service level. The definition makes no distinction between classified and unclassified roads.

The proposed rule needs to make clear that the definition of *Road Construction, Road Maintenance, and Road Reconstruction* do not apply to classified roads other than Forest Service Roads.

The Forest Service needs to distinguish between minor maintenance under Section 294.11 and road rebuilding and what criteria constitute rebuilding.

Section 294.12

Section 294.12 (a) applies to classified and unclassified roads. By definition an unroaded area does not have classified roads in it. It also appears that the Forest Service is attempting to apply this prohibition to non-Forest Service roads for which they have no administrative authority. Lander County would not abide by any federal restriction that would deny the County the ability to reconstruct their existing roads classified or otherwise, or to construct new roads on existing rights-of-way.

Section 294.12 (b)(3) This section needs to be clarified, particularly with respect to mining claims. The analysis of the proposed rule indicates that road construction and reconstruction would be permitted for valid existing rights.... under the General Mining Law of 1872. It is unclear whether roads would be permitted for claims filed after the proposed rule. The rule should be changed to clearly reflect the Forest Service's intent with respect to locatable minerals. The development of leasable minerals should also be included under this Section as an exception.

Section 294.13

Lander County is adamantly opposed to Section 294.13(b)(2). This language provides far too much discretion for the responsible official. This situation can lead to abuse of the administrative authority granted under this rule and creates a continued atmosphere of mistrust between local residents and the federal government. This section should be dropped from the proposed language.

The proposed rule also needs to contain a provision to resolve road disputes at the local level. It is very possible that the roadless inventories are inaccurate and will have some disputed roads, particularly state, county and RS2477 roads.

II. Comments on the DEIS

General Comments:

1. The DEIS does not contain sufficient information to prepare site-specific analysis. The level of detail provided is consistent with a programmatic or comprehensive EIS used to evaluate national policy directives. The development of a programmatic EIS is followed by tiered EIS(s) to more adequately analyze site-specific impacts as recommended in 40CFR1502.20 and 40CFR1508.28. Does this EIS contain the appropriate site-specific analysis to implement the decision? Please explain.
2. Statements made on pg. 1-11 clearly indicates that this DEIS is to address national level issues and does not have the ability in many instances to address site specific issues.
3. The proposed rule along with the other pending rules are related actions that should be considered in one EIS. Page S-46 indicates that there are two other related rulemaking proceedings (Proposed Planning Rule and the Proposed Road Management Rule). Page S-46 states, " *It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands*". Furthermore pg S-46 indicates that the proposed rules combined may have cumulative impacts. These three actions clearly fall with the scope of an EIS consistent with the direction under 40CFR1508.25. Why did the Forest Service threat the proposed rules separate actions in violation of the aforementioned regulation? These three actions could be easily consolidated into one proposed action and evaluated in a manner consistent with Council on Environmental Quality's guidelines. Proceeding separately appears to be a blatant attempt to segment three closely related actions.

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4. Alternatives 2, 3 and 4 are virtually the same. There is little or no difference in terms of impacts among these alternatives. Each one provides varying degrees of timber harvest otherwise they are the same. The Forest Service has failed to adequately develop a full range of alternatives under NEPA. None of the alternatives result in significantly different impacts. In many instances the impacts are virtually the same. As a result, the Forest Service has failed to meet the requirements of 40CFR1502.14. The alternatives are nothing but strawman proposals. The Forest Service needs to consider an alternative that allows leasable minerals and analyzes the impacts and compares those impacts against the no-action alternative.
5. The DEIS has failed to adequately analyze the impacts to mining instead claiming that adequate information is not available at the national level to assess the impact. Substantial information is available locally that allows for such an assessment. The time required to assemble such information would likely take longer than the Administration would like and delay the record setting pace the Forest Service has established for the preparation of a draft EIS.
6. The DEIS must also examine the potential impacts of designating "other roadless areas". Other unroaded areas are not included in the proposed action or analyzed in the DEIS. The amount of lands that could be designated is substantial. Although it is difficult, if not impossible, to know exactly which lands would be designated as unroaded, the Forest Service should consider a worst-case scenario where all the lands would be included.
7. It appears that the evaluation of environmental consequences focuses on inventoried roadless areas whereas the prohibitions of the proposed rule primarily applies to the unroaded portions. Please provide the justification for using roadless area instead of the unroaded portion of the roadless area.
8. There is not a credible impact analysis provided in this document. The analysis of impacts for most resources contains a discussion of roads miles and makes generalized conclusions based upon road miles. The analysis assumes that road construction or reconstruction would create an impact without providing any justification. It does not consider a host of standard operating procedures and other mitigation that would minimize road construction and related project impacts.
9. The cumulative analysis fails to adequately analyze all past, present and reasonably foreseeable actions that have impacted access and use of National Forest lands including the extensive loss of timber jobs and harvest due to other prohibitions. Cumulative actions are often inappropriately integrated into the baseline description in an attempt to mask their impact.

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10. The overall approach to the analysis is disturbing. In most cases the environmental consequences section provides little in terms of real impact analysis. Many of the section are generalized impacts based upon the potential for road miles. There are few, if any, real meaningful comparisons of impacts between the no-action alternative and action alternative.

Specific Comments

11. Pg. 3-13 discusses the Forest Service Road System. Based upon the discussion it appears that most roads use is generated by recreation users, solitude seekers, etc. The Forest Service needs to devise a plan to recoup user fees from this group.
12. Pg. 3-13 Forest Service Road System. This Section needs to include a map showing planned road construction by region.
13. Pg. 3-15 indicates that road construction has declined to about 192 miles a year in 1999 with decommissioning of nearly 2,660 miles of road per year resulting in a net loss of 2,468 miles per year. This represents a cumulative impact that should be analyzed along with the roadless initiative. Please provide a discussion of the types of roads decommissioned each year. How many miles would affect the inventoried areas?
14. Pg. 3-15 last para and again on pg 3-23 indicate that best management practices for road planning, design and construction can minimize adverse environmental impacts. Please define and quantify remaining impacts. Are these best management practices assumed in the baseline and the no-action alternative? If so, the roadless initiative would appear to provide only a slight marginal improvement (perhaps insignificant) in the ecological health of the some areas affected by this proposal. Following the same logic, decommissioning efforts have a far greater impact on Forest Health than this proposal.
15. Pg. 3-18 and 3-19 indicates that 1,444 miles of road are planned for construction over the next four years-please show locations on a map(s). Approximately 806 acres of road disturbance are timber related. Since timber harvest would not occur in Nevada (with the exception of small amounts in the Sierra Nevada range), only roads for non-timber related purposes would be constructed or reconstructed. Total non-timber planned road construction in the Intermountain Region over the next four years would be 152 miles which would disturb approximately 500 acres. Even if the entire 152 miles were in roadless areas of Nevada, this would account for .0156 percent of the inventoried roadless area in Nevada. Specifically what beneficial impact would this have on inventoried roadless areas in Nevada? How does the protection of this minuscule amount of land achieve the action's purpose and need?

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16. Table 3-19 needs to be consistent with Table 3-4. How many miles of planned road construction are reconstruction activities by region?
 17. Pg. 3-20 Ecological Factors-The EIS needs to contain maps that show areas most likely to be impacted and roadless areas where timber harvest would be curtailed due to this proposal.
 18. Pg. 3-22 Watershed Health. This entire discussion relates primarily to timber harvest areas. Can we assume that watershed health, water quantity and timing are not significant issues outside timber harvest areas.
 19. Page 3-142 Where is the baseline description for minerals and geology. At a minimum the description should show existing mining operations, proposed mining operations that require roads, areas of known valuable resource deposits. Much of the areas in southern Lander County are contained within four mining districts (See Attachment C).
 20. Page 3-143 states, "An EIS would likely be required for proposed activities that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more" What is the justification for this statement? It is inappropriate to make such a generalized statement in this EIS. The analysis in this EIS cannot support such a statement since it does not analyze with any detail regional or site-specific locations. Requiring the preparation of an EIS is not part of the proposed action and it should not be treated as such in this document. An EIS is required to study the potential impact of a proposal. Whether or not an area has a certain designation is irrelevant.
 21. Page 3-143 states, "There is currently a trend of decreasing interest by the minerals industry.....appeals and lawsuits". This statement describes cumulative impacts and should be considered in the cumulative analysis section. Also the Forest Service needs to provide some general impact analysis related to this statement i.e loss of jobs, income, taxes, etc.
 22. Page 3-143 The analysis in this section is inadequate because it only discusses additional regulatory measures imposed by the Forest Service that may create additional delay and cost. By including this type of language presupposes that the Services already knows what the impacts are. Furthermore, the EIS does not consider appropriate mitigation measures. There is nothing in this EIS that could even justify for anyone project the need for an EIS.
 23. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics". Again this statement implies a degree of regulatory abuse and attempts to circumvent the Mining Law.

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24. Page 3-144 The description of the affected environment needs to include some description the types of leasable minerals developed on NFS lands and the quantities of extraction. There is no way to gauge the order of magnitude of the impact without the appropriate baseline information.
 25. Page 3-144 and 145. The analysis needs to include areas that have the potential for leasable minerals. Those areas that are within the unroaded portion of the roadless area should be shown. Estimates of leasable minerals on the unroaded portion should be compared to leasable mineral deposits outside roadless areas. Estimates of potential losses from the prohibition of this resource should be estimated in the EIS.
 26. Page 3-145 indicates that standing decisions with regard to leasable minerals could be reviewed. The Service needs to be clear with respect to retroactively changing previous decisions. Private companies involved in leasable mineral venture may have already allocated significant amounts of money for exploration and development. At a minimum, mitigation needs to be proposed for situations where private entities have committed funding to resource development.
 27. Page 3-145 last paragraph states, "Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown". The Forest Services needs to make a good faith estimate of the magnitude of impact. Page 3-143 identifies a list of potentially cumulative impacts which should be integrated into this section and thoroughly analyzed.
 28. Page 3-177 States that most ranchers depend on off-farm sources of income to remain economically viable. That is for the most part an untrue statement of central Nevada. The statement implies that livestock production is merely a hobby and way of life rather than a valuable commodity and food source. How many ranching operations have been forced into this situation from allotment reductions and other regulatory constraints imposed by federal agencies?
 29. Page 3-182 Affected Environment Timber Harvest. The discussion in the first page is a cumulative impact that has resulted from regulatory and environmental restrictions place on timber producers by federal land management agencies.
 30. Pg. 3-193 states, "Like most extractive industries, mechanization has led to a decrease in the number of jobs per unit of output". This statement may be true, however, mining contributes indirectly to jobs in the manufacturing sector. In Nevada mining directly provides approximately 15,000 jobs. For each direct job, mining generates another .75 jobs in the Nevada economy resulting in some 26,250 jobs in Nevada. The analysis should include the indirect benefits as well. Mining provides a substantial amount of local government resources through sales and property tax.

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- 31. Pg. 3-193 No Action Alternative states a downward trend is in place. The only reason for a permanent downward trend is Forest Service policy towards the mineral industry. Market fluctuations create the cyclical nature but it is difficult to predict a continuing downward trend.
- 32. Pg. 3-194 states, "The prohibition of road construction or reconstruction in inventoried roadless areas is more likely....". The proposed rule only considers the unroaded portion of the roadless area.
- 33. Pg 3-195 Tables 3-49 through 3-51 indicates that the gross value of metals, oil and gas, and coal exceeds more than \$7.5 trillion dollars. Does the Forest Service consider limiting access to some \$ 7 trillion dollars worth oil, gas, and coal a significant impact? Perhaps the coal can be obtained from Indonesian?
- 34. Cumulative Impacts This section contains a page or two about cumulative impacts related only to the other proposed rules and ignores many of the past, present and foreseeable actions which may have cumulative impacts particularly on the timber industry and timber dependent communities. The impact of the related proposed rules should be included with this analysis along with other restrictions and regulations that have created similar impacts to affected areas and needs to be analyzed. Clearly, the Forest Service has not met the requirements under 40 CFR1508.7. This section is so poorly developed that it is not worth making any further comments.
- 35. Page 3-243 The Mitigation Options need to be committed in the Record of Decision. Otherwise they are meaningless.



BOARD OF COUNTY COMMISSIONERS

LYON COUNTY • NEVADA

27 SOUTH MAIN STREET • YERINGTON • NEVADA 89447

(775) 463-6531

FROM OTHER AREAS OF THE COUNTY

(775) 577-5037

FAX: (775) 463-6533

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DAVID FULSTONE II

LEROY GOODMAN

CHESTER HILLIARD

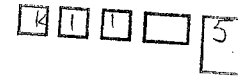
PHYLLIS HUNEWILL

BOB MILZ

STEPHEN SNYDER

COUNTY MANAGER

July 14, 2000



Mr. Mike Dombek, Chief
 USDA Forest Service
 P.O. Box 221090
 Attn: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

CAET RECEIVED

JUL 17 2000

Dear Mr. Dombek:

The Lyon County, Nevada, Board of County Commissioner's is aware of the Draft EIS on Roadless Area Conservation, and have received various documents, data, and information regarding the Draft EIS. Based on our review, the Forest Service has two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS, and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the National Forest level. This will insure consultation and coordination with local governments that is necessary to address any inadequacies identified.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

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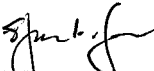
Mr. Mike Dombeck
Roadless Area Proposed Rule

July 14, 2000
Page -2-

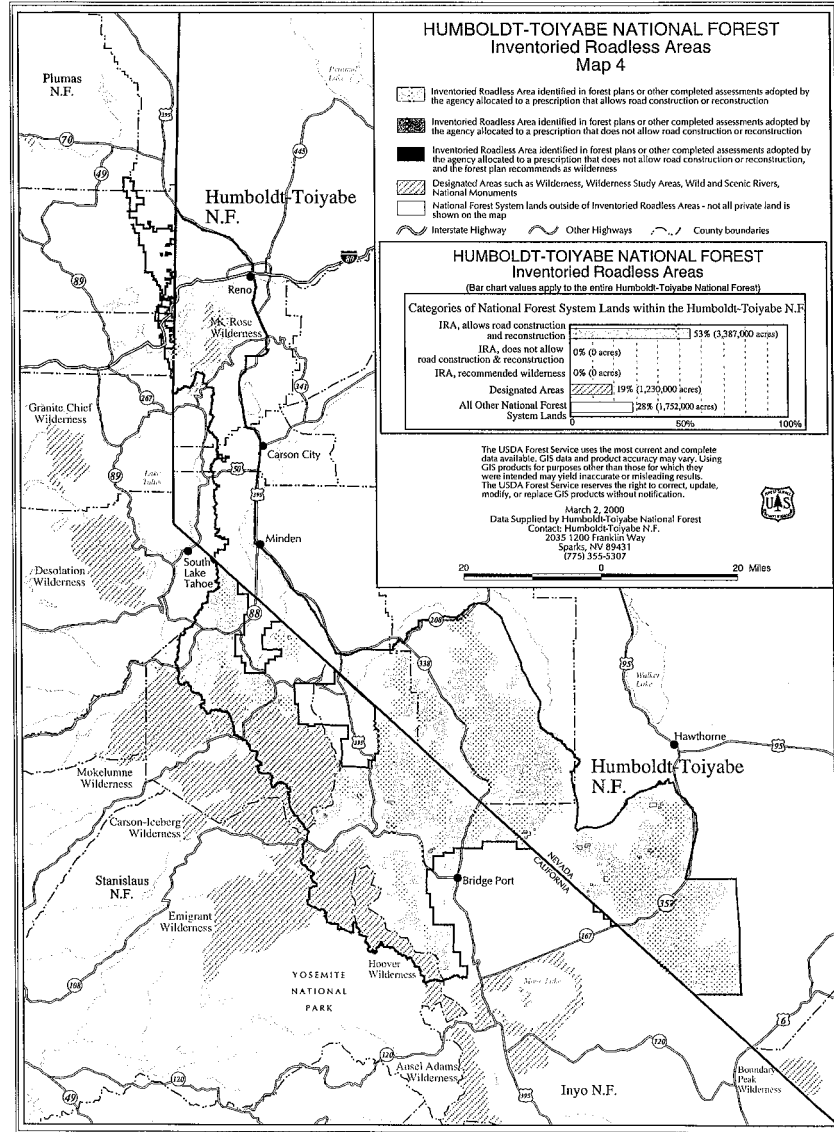
If you choose not to pursue either of the above courses of action, request is to extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possible acquire and review within the 60 day comment period.

Thank you for the opportunity to comment, and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

for 
LeRoy Goodman
Chairman,
Lyon County Board of Commissioners

cc: Nevada Association of Counties
Lyon County Board of Commissioners



Humboldt-Toiyabe N.F. Map Page 3 of 5

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NACO
NEVADA ASSOCIATION OF COUNTIES

308 NORTH CURRY STREET, SUITE 205 • CARSON CITY, NEVADA 89703 (775) 863-7863 FAX (775) 863-7398

JUN 28 2000
LYON CO. COMM.



BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, NEVADA
31 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6531
FROM OTHER AREAS OF THE COUNTY
(775) 577-5037
FAX: (775) 463-6533

TO: NACO Board Members and County Contacts
FROM: Robert S. Hadfield
RE: Forest Service Roadless Area Draft Environmental Impact Statement
DATE: June 27, 2000

AGENDA REQUEST FORM

#13

MEETING DATE REQUESTED: July 6, 2000

SUBJECT TITLE:

NACO request for comments on U.S. Forest Service Draft EIS on proposed roadless area conservation.

DISCUSSION:

Nevada Association of Counties (NACO) has circulated information on the U.S.F.S. proposed roadless area conservation draft EIS, and is soliciting comments and response to the draft EIS by individual county's within Nevada.

RECOMMENDED ACTION:

Adopt comments suggested by NACO, and forward to the U.S.F.S.

FUNDING SOURCE:

N/A

REQUESTED BY:

NACO

PREPARED BY:

Maureen Williss

REVIEWED BY:

Stephen Snyder, County Manager

MEMO MEMO MEMO MEMO MEMO MEMO

You have been mailed documents obtained by NACO for use by our membership in understanding and addressing the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

These documents are available on the Internet for your use in customizing the comments for your county's needs. The author of the documents is Environmental Tracking and Review Services. Their website is: www.e-tarservices.com. Click the Login button and a state window will pop up. Select Nevada and the next window will display a list of counties and at the top, Roadless NEPA Review. Click Roadless NEPA Review and a window will query you for a user ID and a password. Type in: USER ID: roadless. Password: nepareview. This will bring you to the web page menu containing all the documents you have been mailed. Each document's location on the website is listed on the bottom of the pages you have been mailed.

Please feel free to make use of these comments.

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FS Roadless DEIS Environmental Tracking and Review Services

"Simplifying Federal Agency Decision-Making"

**Review of
Forest Service
Roadless Area Conservation
Draft Environmental Impact Statement**

Comments Must be Received by July 17, 2000

**Suggested Statements Counties Can Make
At Public Comment Meetings On
The Forest Service Roadless Area Conservation
Draft Environmental Impact Statement**

The County Commissioners of (Name of County), (Name of State) are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in (Name of State) and the (Name of other organizations). My comments, today, are general in nature and will be supported by submission or our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

Our review, to date, has revealed the following issues and concerns:

1. The Draft EIS appears to be Biased and Predecisional

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternatives. Let me cite some examples.

A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses

B. The Vice Presidents has made statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

<http://www.e-tarservices.com/roadless/sugcom.htm>

06/23/2000

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C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments

The Forest Service admits that it's assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" analysis on agency costs, timber, and road construction and reconstruction--and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads me to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality Regulations for NEPA in the following areas:

The NEPA process must be useful to decision-makers
Emphasize interagency cooperation including counties
Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
Study, develop, and describe appropriate alternatives
Consult early with State and local agencies
Invite the participation of Federal, State, and local agencies
Statements shall be concise, clear, and to the point, and shall be supported by evidence
Statements shall be analytic rather than encyclopedic
Agencies shall not commit resources prejudicing selection of alternative
Statements shall assess the environmental impacts, rather than justify decisions already made
Each statement shall contain a summary that adequately and accurately summarizes the statement
Rigorously identify, explore, and objectively evaluate all reasonable alternatives
Avoid useless bulk
Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
Incorporate material by reference only when it is reasonably available
Insure the scientific integrity of discussions

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

4. The Draft EIS is Full of Discrepancies and Contradictions Relating to Conclusions and Data

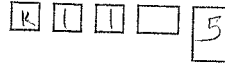
We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are fact and which are the authors personal biases. Here are a few examples:

<http://www.e-tarservices.com/roadless/sugcom.htm>

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A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal or more destructive than management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways--Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns, the Commissioners of (County Name) would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as active participants in the process.

2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.

3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

E-TAR Services enables you to be effectively involved in Federal agency decision-making. Your custom subscription gives you the legal tools you need to shape agency alternatives, assure your issues and concerns area addressed, and establish your legal standing for appeals and litigation. There is no better, faster method to be effectively involved.

Please feel free to contact E-TAR Services to make Suggestions, or request Assistance.

E-TAR SERVICES
P.O. Box 7095
Sheridan, WY 82801

<http://www.e-tarservices.com/roadless/sugcom.htm>

06/23/2000

1

To: USDA Forest Service - CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

From: Dick Carver, Chairman
Nye County Board of Commissioner
HCR 60 Box 5400
Round Mountain, Nevada 89045
775-377-2175 or 482-8103

Re: Road Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS)

July 13, 2000

I, Richard L. Carver, Chairman, Board of Nye County Nevada Commissioner is submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) involving approximately 1,119,000 acres of roadless designation in Nye County, very roughly over 1/3 of the roadless designation in Nevada, whereby only 01.98% of the Nye County land mass is private property.

My review, to date, has revealed the following issues and concerns:

1. The DEIS appears to be Biased and Pre-decisional
2. The DEIS does not adequately address the impacts on Counties and Local Governments
3. The DEIS contains numerous NEPA Deficiencies
4. The DEIS contains Discrepancies and Contradictions relating to Conclusions and Data
5. THE DEIS failed to address my request as an alternative to any proposed action initiating and EIS following 40 CFR 1502.14 regarding a pilot project to resolve RS 2477 issues prior to designation of roadless areas
6. The DEIS fails to recognize and adequately address existing road rights-of-way and rights-of-use that are claimed and owned by county government(s) and included within areas determined ROADLESS by the Forest Service.
7. The DEIS fails to recognize and adequately address Nye County Nevada law defining a "Nye County Public Road" Federal Courts have held that Administrative Agencies lack authority effectively to repeal the statute by regulations.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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Therefore, the Forest Service must withdraw the proposed rule and subsequent documentation and proceed with the No Action Alternative allowing for normal land management planning processes based on the following:

I have many constituents, friends and family that access the public domain for multiple uses for their livelihood and/or recreational purposes today. My father came to Nye County, Nevada from California in 1938. He purchased a ranch in Smoky Valley where he established a "right-to-use" the public access corridors across the public domain to utilize his forage rights, water rights, to cut fire wood and fence posts, to prospect, hunt, fish and enjoy life and to raise his family, to mention a few. My great grandfather and the Carver Family trailed 800 head of cattle across the Great Basin during the California Gold Rush recognizing their "right-to-use" liberty. At that time there was no State of Nevada or California, but there were individuals applying labor with the resources establishing a "property right", access being one of those "rights".

Our Nevada Constitution recognizes; "all men are, by nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; acquiring, possessing and defending property and pursuing and obtaining safety and happiness (Art 1 Sec 1).

Many people across America have helped me understand and develop this text on the history and legal grounds concerning access across our public domain. For many years we have been allowing the Federal Government to close access to the public domain because we did not have an understanding of the "road jurisdiction" issue. I have been a Nye County Commissioner for almost 12 years. If government is instituted for the protection and benefit of the people, what is my duty as an elected official as applied to public roads issues? Being a Constitutional officer of the State of Nevada, I have a duty to protect and defend property rights, including the "right-to-use" and/or "right of way" across our public domain, based on the following:

Nevada Constitution; "All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people ..." (Art 1 Sec 2)

Off highway vehicles are valued today in Nye County for transportation just like horses were valued for transportation one hundred years ago. Many of us in Nye County rely on "Nye County public roads" across our public domain, commonly referred to as public lands, allowing access to Nye County's tax base and, to access the public domain for recreational purposes, grazing, mineral extraction, timber harvest, etc. Nye County has worked hard in keeping our public roads across our public domain open for our young, our senior and our disabled. The closing of access roads across the public domain discriminates against both our young and senior generations alike.

Every canyon within the National Forest System lands in Nye County, if not all canyons have single-track ways, pathways and/or other trails connecting two points that have been historically used by the public. Primitive as they may be, they are in fact "Nye County public roads" just as a modern day paved street in our county seat of Tonopah is a "Nye County public road". Based on the definition of a "Nye County Public Road", there are no areas of

five thousand acres or more that are considered roadless by the Nye County Board of Commissioner within the National Forest System lands in Nye County. Nye County law defining a "Nye County Public Road" does not violate the supremacy clause of the United States Constitution to the extent it applies to roads for which a valid existing right-of-way exists under federal law (see US v. Nye County).

A little about Nye County, Nye County is the third largest county in the continental United States, covering over 18,155 square miles. Nye County is the shape of a hammer, about 170 miles wide and about 220 miles long. Nye County has the county seat in Tonopah and a second complete county courthouse in Pahrump, 170 miles away. Pahrump is about 60 miles west of Las Vegas and is one of the fastest growing communities in America. Our largest community, Pahrump, with a population of 30 to 35 thousand people today, is made up of about 70% senior citizens. Nye County is rated one of the fastest growing counties in America. Nye County is struggling to provide services to its people whereby only 01.98% of Nye County's land mass is privately owned and on the tax roll. The current land status is as follows:

U.S. Government	97.77%
BLM	56.36
USFS	16.93
DOD	16.75
DOE	06.60
NPS	00.93
USF&WS	00.21
State of Nevada	00.18
Native American	00.07
Private	01.98

Nye County's survival, economically and socially is very dependent upon the access to and across the public domain within Nye County. RS 2477 rights-of-way are important components of state and local infrastructure, essential to the economic growth and social well being of the entire rural west.

Historically mining and ranching have been the backbone of our tax base. Today, the largest single taxpayer in Nye County is a world-class gold mine being operated on private and the public domain lands. We do not want mining and mine exploration restricted, more than it is today, as it will eliminate the future mineral production in Nye County and the entire west altogether. The mining law of 1872 gives the people of America the "right" to explore, locate, and mine minerals on the public domain. Denying miners access violates the 1872 Mining Act. In the first Forest Manual issued June 14, 1907; "Uses of the National Forest " page 27

"Prospecting and Mining proceeds just as on the open public domain. National Forests do not interfere with these matters at all".

Ranching followed the mining booms here in Nevada to supply food for the miners. Property rights to the forage for livestock grazing were established on the public domain well over a

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hundred years ago. Access to the public domain, (including but not limited to the public lands managed by the Bureau of Land Management and the National Forest System lands managed by the U.S. Department of Agriculture Forest Service), is a key component to a viable mineral and livestock industry.

Today access to the public domain for recreation is of great importance to the people and economy of Nye County. Recreational opportunities are much more important to Nye County today than 75 years ago as recreational income has to take the place of the lost revenue to the county because of the decline in mining and ranching. Whether you are talking about mining, ranching, or recreation, they all involve access, and associated "rights". Whenever a federal agency is undertaking an Environmental Impact Statement (EIS) involving road or roadless issues and/or policy, they must completely address the impacts on the social and economical stability of the county's tax base.

The Federal Land Policy and Management Act of 1976 (FLPMA) states in part as follows: "That Congress declares that it is the policy of the United States that...goals and objectives be established by law and guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law." Any , road closures will diminish the multiple use of our public domain.

Many of us are of the understanding that when the wilderness areas were designated wilderness several years ago within the National Forest System land, there would be no more wilderness consideration in Nye County. When the Forest Service was doing roadless inventory in 1997-98, I asked an assistant forest supervisor what if a county definition of a "road" differed from the Forest Service definition, what definition did we have to follow? Her reply was that we had to follow the county's definition.

NYE COUNTY LAW defines the term "Nye County Public Road" as each and every way, pathway, trail, stock trail and driveway, road, county highway, railbed and other similar public travel corridors across public lands in Nye County, connecting two points of societal importance (regardless of whether the points so connected are located inside or outside the boundaries of Nye County), whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized/mechanized vehicles of each and every sort, whether currently passable or impassable, that was established and accepted by public use and enjoyment under common law doctrines of property rights; under R.S. 2477, but only if established and accepted by public use and enjoyment before October 21, 1976; or under other statutory authority, except as follows: State Highways 160, 361, 372, 373, 374, 375, 376, 377, 378, 379, 844 and U.S. Highways 6 and 95 are not Nye County Public Roads.

Forest Service definitions cannot pre-empt state or local laws or any Congressional Act. The Federal court recently ruled that "Administrative Agencies lack authority effectively to repeal the statute by regulations." (USA v. Shumway) Now let us compare the definitions established by statutes of the United States Congress versus that of the United States Forest Service, and also included is the different Forest Service Definitions.

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USC TITLE 23

PUBLIC ROAD – Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

PUBLIC AUTHORITY – A federal, state, county, town or township, Indian tribe, municipal or other local governments or instrumentality with authority to finance, build operate or maintain toll or toll-free facilities.

PUBLIC LANDS HIGHWAY – A Forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through un-appropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

FOREST ROAD OR TRAIL – A road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources. (Special Note – this does not mention Forest Service jurisdiction)

FEDERAL LANDS HIGHWAY – Forest highway, public lands highway, park roads, parkways, and Indian Reservation road which are public roads

FOREST DEVELOPMENT ROADS OR TRAILS – A forest road or trail under the

FOREST SERVICE

PUBLIC ROAD – Any road or street under the jurisdiction of and maintained by a public authority and open to public travel. (Federal Register 03-03-2000)

PUBLIC ROAD – A road open to public travel under the jurisdiction of and maintained by a public authority such as state, counties, and local communities. (Forest Service Road Analysis 1999)

FOREST ROAD – A road wholly or partly within, or adjacent to, and servicing the National Forest System and which is necessary for the protection, administration and utilization of the National Forest System and the use and development of its resources. (Federal Register 03-03-2000)

FOREST SERVICE ROAD – A forest road under the jurisdiction of the Forest Service. (Federal Register 03-03-2000)

FOREST DEVELOPMENT ROAD – A road wholly or partly within or adjacent to a

jurisdiction of the Forest Service.

national forest boundary and necessary for protecting, administering, and using National Forest lands which the Forest Service has authorized and over which the agency maintain jurisdiction. (Forest Service Road Analysis 1999) (Note: compare with USC Title 23 Forest Road or trail above)

ROADS – A motor vehicle travel-way over 50 inches wide, unless classified and managed as a trail. (Federal register 03-03-2000)

CLASSIFIED ROADS – Roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads. (Federal Register 03-03-2000)

CLASSIFIED ROAD – A road constructed or maintained for long-term highway vehicle use. (Forest Service Road Analysis 1999)

UNCLASSIFIED ROAD – Roads not intended to be part of and not manage as part of the Forest Transportation System, such as temporary roads, and unplanned roads, off-road vehicle tracks and abandoned travel-ways. (Federal Register 03-03-2000)

FOREST TRANSPORTATION SYSTEM – Those facilities, including Forest Service roads bridges, culverts, trails, parking lots, log transfer facilities, road safety and other appurtenances, and airfields in the transportation network and under the jurisdiction of the Forest service. (Federal register 03-03-2000)

ROADS SUBJECT TO THE HIGHWAY SAFETY ACT – Forest Service roads that are open to use by the public for standard passenger cars. (Federal Register 03-03-2000)

ROADLESS AREA – An area without any roads which have been constructed or

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improved, and which are maintained for use an passable by standard passenger vehicles. (Humbolt-Toiyabe 1998 Undeveloped / Roadless Inventory Executive Summary)

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Wake up America! Federal Register/ Vol. 65 No 43/ Friday March 3, 2000 states as follows in two different sections:

CIVIL JUSTICE REFORM ACT

THIS PROPOSED RULE REVISION HAS BEEN REVIEWED UNDER EXECUTIVE ORDER 12988, CIVIL JUSTICE REFORM. THE PROPOSED REVISION WOULD (1) PREEMPT ALL STATE AND LOCAL LAWS AND REGULATIONS THAT ARE FOUND TO BE IN CONFLICT WITH OR THAT WOULD IMPEDE ITS FULL IMPLEMENTATION; (2) WOULD NOT RETROACTIVELY AFFECT EXISTING PERMITS, CONTRACTS, OR OTHER INSTRUMENTS AUTHORIZING THE OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS; (3) DOES NOT REQUIRE ADMINISTRATIVE PROCEEDINGS BEFORE PARTIES MAY FILE SUIT IN COURT CHALLENGING THESE PROVISIONS.

(1) Federal Regulations cannot preempt state and local laws (2) no mention of prior existing rights or RS 2477 rights-of-way

FEDERALISM

THE AGENCY HAS CONSIDERED THIS PROPOSED RULE UNDER THE REQUIREMENTS OF EXECUTIVE ORDER 12612 AND HAS MADE A PRELIMINARY ASSESSMENT THAT THE RULE WILL NOT HAVE SUBSTANTIAL DIRECT EFFECTS ON THE STATES, OR THE RELATIONSHIP BETWEEN THE NATIONAL GOVERNMENT AND THE STATES, OR ON THE DISTRIBUTION OF POWER AND RESPONSIBILITIES AMONG THE VARIOUS LEVELS OF GOVERNMENT. THEREFORE THE AGENCY HAS DETERMINED THAT NO FURTHER ASSESSMENT OF FEDERALISM IMPLICATIONS IS NECESSARY AT THIS TIME.

Proposed rule will have substantial direct effect on county governments survival; both economic growth and social well being.

For about ten years now, Nye County has been a leader in the public domain road jurisdiction issue in the West. A great many people's livelihood depends on access across the public domain in Nye County. "Hostility and distrust" is fueled by certain individuals within the agencies misinterpreting federal law, regulations, court decisions and disregarding state law. A few months ago a cabin was destroyed outside of Pahrump by Forest Service officials. Several

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years ago a cabin was burned by Forest Service officials in San Juan Canyon on private lands so the road could be closed to protect the wildlife. In 1994, the U.S. Attorney's office met with the Forest Service, BLM and the FBI discussing the best approach to take to be the most effective at stopping the CARVER CRUSADE. In 1997 the Forest Service filed a violation against me charging me \$83,000.00 for damage done to archeological resources in Jefferson Canyon, knowing very well that I had sovereign immunity as a county commissioner, and the attached regulations to the violations exempt road maintenance from Archeological Resource Protection Act (ARPA) regulation. Trust is not a given, it must be earned. When a trust is developed, the "hostility" will go away.

I believe as many do, any federal agency action involving access issues across public domain is circumventing Public Law 104-208 of 1997. Section 108 states as follows: "No final rule or regulation of any agency of the federal government pertaining to the recognition, management or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act." General council of GAO reported that Congress intended Section 108 to be permanent.

Which did we have first, the federal government or the state government? Which did we have first, state government or county governments? County's existed long before states. The power of government comes from the people. Governments are instituted among men deriving their just powers from the consent of the governed. The United States of America Constitution divides authority between the federal government and the state governments. The United States of America Constitution only delegates to the federal government the ability to create post offices and post roads. Establishment and maintenance of public roads was left to the states. Historically here in Nevada during the late 1800's the federal government did not establish post roads. Instead, congress had to certify a public road served a community before a post office could be established.

To get a clear understanding of the road jurisdiction issue, first we must understand some important milestones in American History. The people of the original thirteen colonies on July 4, 1776 declared themselves as free and independent States and that they may do all acts and things which independent States may of right do. There was no federal government at this time so the States were in control of roads across and through the un-appropriated public domain.

In 1783, at the end of the Revolutionary War, through the Treaty of Paris, the King of England ceded, to each individual State, as a separate nation, all powers of government and all of the un-appropriated land, commonly referred to as public domain. Again, there was no federal government at that time, so the States were in control of all land including roads within their borders.

The people of the original thirteen States realized that to survive as individual States, to pay off the war debt, and to provide for trade and commerce among the States and to provide for defense they should form a union of states. But before each state would agree to uniting to form that union of States, they unanimously agreed that each State would retain its sovereignty, freedom and independence and every power, jurisdiction and right which was not expressly

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delegated to Congress. This agreement was incorporated into the Articles of Confederation in Article II.

Another agreement that the people of the original thirteen states agreed to was "that no state shall be deprived of territory for the benefit of the United States" and was incorporated into the Articles of Confederation in Article IX.

In view of the fact that the Articles of Confederation did not contain any provision for the Central Government to own, hold, or control any public domain land, it was considered in the Ordinance of 1787 that the Central Government - "The Confederation" - held these lands in trust for the states that would be later created in a given area. Since this was a legislative act adopted by the Continental Congress before the United States Constitution was adopted, there seemed some doubt that it continued to be in full legal effect. When the Constitution of the United States of America was framed in 1787, one of the most important parts was included in the States rights section of the Constitution. Article IV reads in part, "...that all engagements entered into before the adoption of the Constitution would be valid against the United States under the Constitution, as under the Confederation"... and was to insure the continuation of "the Articles of Confederation" and those of "the Ordinance of 1787" and the "Declaration of Independence".

The Founding Fathers of America considered the new Constitution to be one in which sovereignty was to be retained by the individual states? Hamilton, covers their views in his Federalist Paper Number 32. While this paper deals primarily with taxation, Hamilton expands on the limitations of sovereignty in his second paragraph:

"An entire consolidation of the States into which one complete national sovereignty would imply an entire subordination of the parts; and whatever powers might remain in them, would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State government would clearly retain all the rights of sovereignty which they before had, and which were not, by the act, exclusively delegated to the United States. This exclusive delegation, or rather this alienation of State Sovereignty, would only exist in three cases; where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union, and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant."

In other words, the State did not give up their sovereignty of the land, including roads. They retained this sovereignty when the Union of States was organized and they most certainly did not go to the Federal Convention of 1787 to give it up!

Roads were of importance in framing the Constitution, but not "public roads". Congress was expressly delegated authority to establish post offices and post roads. Nowhere in the Constitution did the people of the original thirteen States cede to the federal government the power to establish "public roads". This is a power and jurisdiction that the States had prior to

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the creation of the federal government, and was retained by the States. This is the reason why the Federal Courts on numerous occasions have based public roads decisions on state law.

The Supreme Court has ruled the following: "State officials cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution."

The Supreme Court even went further and ruled as follows: "If the state ratified or gives consent to any authority which is not specifically granted by the United States Constitution, it is null and void."

The President of the United States had to take an oath before he entered office to preserve, protect and defend the Constitution of the United States. In this Republic known as the United States of America, all legislative powers are vested in a Congress of the United States, which consists of Senate and a House of Representatives as stated in the Constitution. The Supreme Court of the United States has told us that on a number of occasions, but no one is listening. The administrative branch of the government does not have legislative powers. The Supreme Court has ruled the Constitution's division of power among the three branches is violated where one branch invades the territory of another whether or not the encroached-upon branch approves the encroachment. The Supreme Court ruled years ago that an unconstitutional act is not a law; it confers no rights; it imposes no duties; affords no protection; it created no office; it is in legal contemplation, as inoperative as though it had never been passed. (*Norton v. Shelby County*, 118 U.S. 425 p. 442.)

To resolve the road concerns of today across the public domain, we must understand the history of access in America. For thousands of years, Native Americans were the only inhabitants of the western hemisphere. Some tribes traveled continuously in search of food and never established permanent settlements, while other tribes founded cities that had huge, magnificent buildings. There were no roads or highways as known today but there were single track ways, pathways and other trails connecting two points before the original colonies were settled in the New World (America).

Before the Territory of Nevada was settled the area now comprising the Great Basin was inhabited by Native Americans and descendants of Spanish explorers and again there were no roads or highways as known today but there were single track ways, pathways and other trails connecting two points.

The federal circuit courts have held that an existing right-of-way recognized as such, primitive at its conception, may evolve from a trail to road as frontier conditions give way to modernization. A route that was used first as a trail, later by horse-drawn vehicles, and went through a gradual process of occasional improvement and use until it becomes a road suitable for automobiles and trucks. The courts have held the condition of the highway -- whether **paved and wagon worthy** or simply a "minor footpath" is irrelevant if the claimant can show that a **right-of-way** was used no matter for what purpose.

While settling the Great Basin, miners, ranchers, trappers, hunters, fishermen and other members of the public established, re-established, developed and/or maintained by usage

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numerous roads and similar public travel corridors across the public domain connecting two points.

Article II of the Treaty of Ruby Valley 1863 states in part the several routes of travel through the Shoshonee country, now or hereafter used by the white men, shall be forever free, and unobstructed by all emigrants and travelers under its authority and protection....

In more recent years, in the part of the Great Basin known as the state of Nevada, miners, ranchers, recreationists and other members of the public, together with federal, state and county governments also have established, re-established, developed, constructed and/or maintained, by mechanical means, roads and highways across the public domain within the borders of Nevada.

On December 7, 1993, the Board of Nye County Commissioners adopted Resolution 93-49, entitled "A Resolution declaring certain public travel corridors across public lands within Nye County as Nye County public roads", and in part, defining a "Nye County Public Road", as have several other counties in the west.

On July 4, 1994, Nye County woke up the nation when we re-opened a road within the National Forest at Jefferson Canyon without USFS permission. Did Nye County violate any law?

On March 8, 1995, the United States Justice Department filed suit against Nye County, in part because Nye County resolution 93-49 claimed ownership of virtually every road on public lands within the county boundaries built in the past, present or in the future.

This issue of road jurisdiction on public lands was clearly addressed in federal district court in *U. S. v Nye County*.

On March 14, 1996, Judge Lloyd D. George, U. S. District Court for the District of Nevada, issued an order in the case of *U. S. v. Nye County*, case number CV-S-95-232-ldg(RJJ), which in pertinent part provided that: "It is declared the Nye County Resolution 93-49 is invalid and unenforceable to the extent, *and only to the extent*, it applies to ways, pathways, trails, roads, county highways and similar public travel corridors across public lands in Nye County, Nevada, for which **NO** valid right-of-way exists or is recognized under federal law."

In *U. S. v. Nye County* the court clearly stated:

The United States concedes that the resolution (93-49) does not violate the Supremacy Clause to the extent it applies to roads for which a valid right-of-way exists under federal law.

The United States has shown that it has enacted a comprehensive right-of-way regulation, generally allowing new rights-of-way to be granted only under Title V of the FLPMA.

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RS 2477 was repealed in 1976 by a law establishing a more comprehensive resource management framework for the Bureau of Land Management (BLM) and the United States Forest Service (USFS), the Federal Land Policy and Management Act, commonly referred to as "FLPMA". However, FLPMA specifically and clearly stated that all existing RS 2477 "right-of-ways" were not affected by the repeal of RS 2477 and remained valid. FLPMA contained in its Title V a new mechanism for granting "right-of-way" from October 21, 1976 to the present.

TITLE V--RIGHTS-OF-WAY

AUTHORIZATION TO GRANT RIGHTS-OF-WAY

The Secretary of Interior, with respect to the public lands and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System, or

EXISTING RIGHTS-OF-WAY

Nothing in this title shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted, or permitted. However, with the consent of the holder thereof, the Secretary concerned may cancel such right-of-way or right-of-use and in its stead issue a right-of-way pursuant to the provisions of this title.

Authorization to grant new rights-of-way is post FLPMA - existing rights-of-way is pre-FLPMA.

In settlement conference the Justice Department wanted Nye County to rewrite Resolution 93-49 to reflect the judge's decision. Nye County agreed but the request was dropped by the Justice Department before final settlement. Nye County went ahead and rewrote Resolution 93-49 and on January 19, 1999, Nye County passed Resolution 99-01 that defines a Nye County public road, as stated on page 4.

Equally important is that Nye County Resolution 99-01 establishes the guidelines in determining a "county road." A county road must meet three criteria to determine if a right-of-way or right-of-use exists.

- (1) Was the "road" used by the public?
- (2) Does the "road" tie two points together?
- (3) Was the "road" in existence prior to October 21, 1976?

This resolution was presented to the USFS and BLM months prior to passage for their concurrence. Both the district ranger of the USFS and the field station manager of the BLM agreed they had no problems with the resolution prior to passage by the Board of Nye County Commissioners on January 19, 1999.

Nevada Revised Statutes 405.191 defines the term "public road" to include all roads existing on RS 2477 rights-of-way and "accepted by general public use and enjoyment...", and endues every **Board of County Commissioners** with the authority to "locate and determine the width of such rights-of-way and locate, open for public use and establish thereon county roads or highways."

The definition of a "public road," pursuant to NRS 405.191, also includes roads designated by the **Board of County Commissioners** as major, general and minor roads (pursuant to NRS 403.170) and "[a]ny way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county city, town or portion thereof duly recorded or filed in the office of the county recorder and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes of which is described by words of similar import.."

There is also the continuing validity of other common law authority for the establishment of roads for the good of the citizenry, including but not limited to the authority set forth in the doctrine of easement by necessity and the doctrine of implied easement, authority which we believe has not been preempted, superseded or otherwise set aside by RS 2477 or other statutory scheme.

Since Nye County rewrote Resolution 93-49 some personnel in the Forest Service have claimed that the Forest Reserve Act that created the Humboldt and Toiyabe National Forest in 1906 repealed RS 2477 rights-of-way. I have repeatedly requested that the Forest Service show Nye County the law, but no one can produce it. RS 2477 was not repealed in 1906 but 70 years later, October 21, 1976 as applied to lands in the National Forest System.

A quick review of the Federal Land Policy and Management Act of October 21, 1976;

"REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY--Section. 706.(a) Effective on and after the date of approval of the Act, R.S. 2477 (43 U.S.C. 932) is repealed in its entirety and the following statutes or part of statutes are repealed insofar as they apply to the issuance of rights-of-way over, upon, under, and through the public lands and **lands in the National Forest System...**

EFFECT OF EXISTING RIGHTS -- Section 701 (a) of FLPMA of 1976 states: Nothing in the Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way or other land use right or authorization existing on the date of approval of the Act.

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Additionally, Section 701 (h) of FLPMA of 1976 reads as follows: "All actions by the Secretary concerned under this Act shall be subject to valid existing rights."

Federal Courts have held that "the right to make reasonable and necessary improvement within the boundaries of the right-of-way is part of the county's valid existing rights, as long as the project stays within the county's right-of-way, no authorization is needed for construction to proceed".

What is a RS 2477 right-of-way as recognized today?

The Mining Act of July 26, 1866, codified at 43 USC 923 (commonly known as RS 2477) is a law of the land which was enacted for the purpose of memorializing the right of access to the public lands by the people of the United States and establishing the express right to construct highways (roads) and the implied right to access, by there and then granting self-establishing/self-authenticating rights-of-way for all roads previously or thereafter located, established and/or developed, whether by usage or by mechanical means, to allow travel from one point to another, across or through public lands to encourage the settlement of the West; and the federal courts have interpreted RS 2477 to provide a public right-of-way for all roads across or through public lands, so long as those roads were established and "accepted" by general public use and enjoyment before October 21, 1976 (the effective date of the Federal Land Policy and Management Act) and serviced to connect two points of societal importance (towns, stage stops, mines, ranches, water sources, etc.) whether by constant alignment or alignment subject to seasonal, weather, economic or other adjustment.

What is a valid existing road right-of-way? A "right-of-way" is a legitimate property right, and consequently, carries with it a bundle of associated rights, including the right to maintain and upgrade roads. Once the grant was made, the federal governments interest in the land actually containing the right-of-way became that of the servient estate. That means that it's rights as manager of the underlying land are still protected against undue or unnecessary damage but it cannot interfere with the owner of the right-of-way exercising its bundle of rights, including maintenance and upgrading of roads.

The U.S. Court of Appeals for the Ninth District filed an opinion 12-28-99 in the case of USA v. Shumway regarding 'mining claims' that I believe has a direct relationship on "R.S. 2477 roads". The court quoted, "The Supreme Court has established that a mining "claim" is not a claim in the ordinary sense of the word, but rather a property interest, which is itself, real property in every sense.

I, therefore, believe that the original intent of R.S. 2477, an expressed grant allowing access to "mining claims" authorized by Congress in the Mining Act of July 26, 1866 would have to possess the same property interest as a "mining claim". In USA v. Shumway, the court determined, "When the location of a mining claim is perfected under the law, it has the effect of a grant by the United States of the right of PRESENT AND EXCLUSIVE POSSESSION. The claim is property in the fullest sense of the term."

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Again a valid existing right-of-way or right-of-use, or a RS 2477 right-of-way etc are all a real property interest, a property right owned by the holder thereof.

Prior to October 21, 1976 and the passage of the Federal Land Policy and Management Act how did a RS 2477 right-of-way come into existence? The federal courts have held that:

- (1) A RS 2477 right-of-way comes into existence automatically when a highway is established across the public lands in accordance with the law of the state.
- (2) The scope of a RS 2477 right-of-way is defined by the use of state law.
- (3) Whether a right-of-way has been established is a question of state law.
- (4) An existing right-of-way recognized as such, primitive at its conception, may evolve from trail to road as frontier conditions give way to modernization.
- (5) The condition of the highway--whether paved and wagon-worthy or simply a minor footpath is irrelevant if the claimant can show that the right-of-way was used no matter for what purpose.
- (6) The manner of travel (by foot or beast of burden or vehicle) is legally irrelevant to the RS 2477 determination. What matters is that there was travel between two definite points.

Whenever a Nye County Public Road came into existence across or through the public domain, no matter for what purpose, there was automatically a valid existing right-of-way as long as it was before October 21, 1976, ties two points together, and was used by the public.

Forest Service Personnel are incorrect and not following agency guidelines when requiring that in order to establish that a County owns a right-of-way under RS 2477, it would have to be shown that the elements of perfection of the right-of-way grant were met in accordance with Federal Law prior to March 1, 1907 when the land was reserved for National Forest purposes.

WO Amendment 2700-94-7

Construction:

Construction is a physical act of readying the highway for use by the public according to the available or intended mode of transportation – foot, horse, vehicle, etc. Removing high vegetation, moving large rocks out of the way, or filling low spots, etc., may be sufficient as construction for a particular case.

Survey, planning, or pronouncement by public authorities may initiate construction but does not, by itself, constitute construction. Construction must have been initiated prior to the repeal of RS 2477 and actual construction must have followed within a reasonable time.

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Road maintenance over several years may equal actual construction.

The passage of vehicles by users over time may equal actual construction.

Public Highway:

A public highway is a definitive route or way that is freely open for all to use. It need not necessarily be open to vehicular traffic for a pedestrian or pack animal trail may qualify. A toll road or trail is still a public highway if the only limitation is the payment of the toll by all users. Multiple way through a general area may not qualify as a definite route, however, evidence may show that one or another of the ways may qualify.

The inclusion of a highway in a State, county, or municipal road system constitutes being a public highway.

Expenditure of construction or maintenance money by an appropriate public body is evidence of the highway being a public highway.

Absent evidence to the contrary, a statement by an appropriate public body that the highway was and still is considered a public highway will be accepted.

Some personnel in the Forest Service are misleading the public and claiming that when lands were included in the National Forest System they were reserved for public uses, and were no longer available for establishment of public highways under RS 2477. They claim RS 2477 when enacted in 1866 did grant right-of-ways for the construction of public highways on public lands there were not otherwise reserved for public uses. This is totally false. What were "public lands not reserved for public uses" as applied to in 1866 time frame? There was no such thing.

RS 2477 reads as follows: "the right-of-way for construction of highways over public lands, not reserved for public uses, is hereby granted." (19 words total)

If it was "public lands not reserved for public uses" there would not be a comma after public lands, or it would have been just worded unreserved public lands. "Not reserved for public uses", is simply describing the right-of-way. This law was to give an expressed consent or grant to miners in the mining act of 1866, to build private roads to mining claims to encourage the discovery and production of minerals. In 1866 there was no such thing as public lands not reserved for public uses, unless possibly it was a military reservation.

If RS 2477 did grant "right-of-ways for the Construction of public highways on public lands that were not otherwise reserved for public uses", why did FLPMA of 1976 repeal RS 2477 right-of-way over, upon, under and through the lands in the National Forest System, if National Forest System lands are reserved land?

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The public lands managed by the Bureau of Land Management is not reserved lands and yet FLMPA of 1976 repealed RS 2477 rights-of-way over, upon, under and through the public lands, just as the lands in the National Forest System, what is different? It is because in 1976 just as in 1866, the "not reserved for public uses" described the right-of-way and not "public domain"?

I have a hard time believing that RS 2477 or any other pre-existing right or right of use was repealed when the Humboldt or Toiyabe National Forest was created in 1906 and 1907 respectively. Three pages out of the first USDA Forest Service Manual issued on June 14, 1907, which states the following:

Page 13, "HOW CAN THE LAND ITSELF BE USED? ...railroads, wagon roads, trail, canal, flumes, reservoirs and telephone and power lines may be constructed whenever and wherever they are needed, as long as they do no unnecessary damage to the forest..."

Page 23, "TO USE WELL ALL THE LAND. ...is open to improvements such as the construction of railroads, wagon roads, trails, canals, reservoirs, and telephone and powerlines..."

Page 32, "IMPROVEMENT WORK. Nothing will do more toward giving the National Forest the best kind of protection against fire, and nothing will help more to open up their resources for everybody's use than the construction of a great many well-built trails, roads, bridges, and telephone lines. Easy and quick communication to all parts of a forest must be had if fire is to be kept down. The settlers, prospectors, miners, lumbermen, and stockmen profit directly from all work of this kind and can be of great assistance in pushing it through.

Does the first Forest manual recognize a "public road"?

Page 30--To drive stock across a forest it is necessary to get a permit from the nearest ranger or the supervisor EXCEPT ALONG A PUBLIC ROAD.

I wonder why no permit was required on a public road--maybe because the Forest Service has no jurisdiction.

For almost two years now Nye County has requested the Forest Service and/or the BLM provide Nye County a copy of any law indicating that there is no valid existing right-of-way when a road was established on the public domain prior to October 21, 1976 that connects two points of societal importance and was accepted by general public use and enjoyment in Nye County. If Nye County is wrong, we want to correct our county law.

If Nye County is correct as Resolution 99-01 reads, we are not in violation of the Supremacy Clause of the Constitution of the United States of America as the United States conceded in U.S. v. Nye County and county law does not violate the Supremacy Clause of the United States Constitution to the extent it applies to roads for which a valid existing right-of-way exists under federal law.

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In reference to the Forest Service, Fact Finding Report, Work Environment and Community Relations, Humboldt-Toiyabe National Forest, February 4, 2000:

“Chief Mike Dombeck and Regional Forester Jack Blackwell chartered a fact-finding team to look into issues of work environment and community relations on the Humboldt-Toiyabe National Forest ...”

The teams recommendation state in part as follows:

“IV. Other Issues Requiring Nation and Regional Attention

These findings, while identified on the Humboldt-Toiyabe National Forest, are issues that **MUST BE** addressed appropriately at the Regional and/or National levels of the Forest Service:

1. Lack of resolution of RS 2477 rights-of-way determination issue precludes local managers from effectively resolving road related conflicts with Counties.

County elected officials stated they believe many of the roads being closed not maintained, etc., are actually County roads under RS 2477 and the decision on road status is theirs alone to make. They disagree with the definition of what constitutes a road under RS 2477 and as long as that atmosphere continues to exist, conflicts will remain between the Forest Service and the Counties on access and road management issues. The team believes this key issue must be resolved before relations can move forward in many Western States.

Recommendations:

- The Washington Office should begin work through the Agriculture and Interior Departments to bring the RS 2477 issue to resolution.
- The Regional Office either should adopt the Humboldt-Toiyabe draft pilot for Nye County or develop a pilot for evaluating claims in the Region for testing the pilot. Multiple counties should be considered for involvement. The pilot should be designed to identify areas of agreement and disagreement and provide a means to focus on agreements until RS 2477 is resolved nationally.”

Until the road jurisdiction is resolved with the counties any agency action including the Forest Service Roadless Initiative will only move our (USFS and County) relationship backwards.

Conclusion:

As relief to my concerns, I Richard L. Carver, Chairman Board of Nye County Nevada Commissioners, would like to go on record in requesting the Forest Service to;

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- (1) The Forest Service, Bureau of Land Management and Nye County have agreed to resolving public lands issues at the table through what we call the “Tri-Party Framework for Interactions” dated December 1996. Pursuant to 40 CFR 1502.14, as an alternative to any proposed action initiating an Environmental Impact Statement (EIS), I propose to the Secretary of Agriculture and the Secretary of Interior to develop a pilot project, with Nye and Elko Counties in Nevada, on how to resolve the RS 2477 issue and to report back to Congress within one year on proposed legislation that will resolve the road issue on the public lands once and for all, and;
- (2) Withdraw the proposed rule and subsequent documentation and proceed with the No Action Alternative allowing for normal land management planning processes, or;
- (3) Withdraw the proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process, or;
- (4) Supplement this DEIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impact, or;
- (5) Revise the DEIS, as per Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

My comments may or may not be the position of the Board of Nye County Nevada Commissioners. Nye County and/or staff may submit additional comments.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Respectfully submitted,



Dick Carver, Chairman
Nye County Nevada Board of Commissioners

RC/jdf



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NYE COUNTY
DEPARTMENT OF NATURAL RESOURCES & FEDERAL FACILITIES

1210 E. Basin Rd. Ste. #6 • Pahrump, Nevada 89048
 (702) 727-7727 • Fax (702) 727-7919

July 15, 2000

USDA Forest Service, CAET
 Attention: Roadless Areas Proposed Rule
 P.O. Box 221090
 Salt Lake City, Utah 84122

CAET RECEIVED
AUG 17 2000

Dear Sirs:

Subject: Comments on Roadless Areas Proposed Rule DEIS

The following are the official comments of Nye County, Nevada, on the document cited above. This office prepared them at the direction of the Board of Commissioners and submits them with its approval. I have organized the comments into the following: Recommended Alternatives, Lack of Planning, Adequacy of the DEIS, and Analysis of Impacts.

Recommended Alternatives

We recommend the following alternatives:

Prohibition	Procedural	Tongass National Forest
Alternative 1	Proposed Action and Preferred Alternative B	Proposed Action and Preferred Alternative T3
No Action; No Prohibitions	Forest Planning Process Implemented at Next Forest Plan Revision	No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of the 5 Year Plan Review; Implement Forest Planning Process Next Plan Revision

Roadless DEIS Comments.wpd

Roadless Areas Proposed Rule DEIS Comments
 July 15, 2000

Page 2 of 10

Nye County supports Prohibition Alternative 1 (No Action; No Prohibition) for several reasons. Foremost is the lack of planning involved in a simplistic nationwide ban of the Proposed Action and Preferred Alternative.

Lack of Planning

The values of each roadless area differ from those of other roadless areas. They depend on the circumstances of nature and the people throughout the country. They do not hold the same values equally across the nation. Nevertheless, those values are very important on the local level. For this reason, evaluations and decisions should occur on the local level. A nationwide ban is a very clumsy approach. It is a disservice to the American people and is not in the best interests of the United States.

The reasons for the prohibition, as presented in the DEIS, lead us to believe that the Preferred Alternative is an effort by the Forest Service to shirk its responsibility to plan in accordance with the diverse needs of the American people throughout the country. The DEIS states, "Over the last 20 years, local management decisions in both inventoried roadless areas and other unroaded areas have been steeped in controversy, especially when they dealt with road building, timber harvest, or other areas that alter the areas' roadless characteristics. Costly, lengthy appeals and litigation have accompanied virtually every attempt to enter these areas." (p. S-4)

Clearly, the prohibition is simply an autocratic circumvention of the planning process by making a pre-emptive decision on all roadless areas, disregarding the underlying differences between regions. The Forest Service is mistaken that this reckless substitute for problem-solving will decrease litigation. It is most likely a blunder that it will escalate litigation and rightly undercut public trust and respect for the Forest Service and the Federal government.

Plainly, the proposed prohibition is contrary to the stated purpose of the Proposed Planning Rule. The DEIS states the following:

"Bases land and resource planning on sustainability. Emphasizes collaboration, integrates science. Planning becomes problem solving." (Table 1-1, page 1-14)

In effect, this pre-emptive decision will further diminish consultation and collaboration with local citizens because the decision has been dictated from the Forest Service headquarters before any collaboration. It eliminates the integration of science into the decision; rather, the "problem" has been decided politically. Because this process is oblivious to local conditions, it eliminates problem solving and will only create more problems.

Roadless DEIS Comments.wpd

Inadequacy of the Statement

Nye County notes several inadequacies in the DEIS. The following comments evaluate some of the most egregious. The statement of Purpose and Need for the Action has serious problems that are symptomatic of the problems throughout the document. The following paragraphs describe some of them.

The conclusions reached in this section are not supported by the information provided.

The reasoning is faulty and shows a strong prejudice toward the simplistic preferred alternative. The language seems more like a propaganda vehicle than an impartial evaluation. It lacks the objectivity and professionalism that the American people deserve from land managers.

One example is the following statement: "Although this [inventoried roadless areas] is only 2% of the continental United States, these roadless lands encompass a major share of watersheds and ecosystems important to the American people, and numerous fish, wildlife, and plant species." (p.1-1)

This amount should be quantified so that the American public and land managers can decide for themselves if this is "a major share" or a minuscule share. It is illogical and untrue that less than 2% of the country contains "a major share of watersheds and ecosystems." Is "major" more than 50%, or perhaps 25%?

The document exaggerates the role of National Forest lands and fails to put their role into the context of the national land situation. Other watersheds exist throughout the country and undoubtedly are vastly more important nationally than those in the National Forest system. Indeed, the role of Forest Service roadless areas are important only on local levels in a few places. Therefore, management decisions should be made through site-specific analysis and locally-based.

The subjective use of the term important begs the question to be decided. These watershed and ecosystems are described as "important to the American people" without defining "important." Are they important to national public health and safety, important to survival of the human species, or important in an abstract aesthetic sense?

The Wilderness Act has no provisions for buffer zones, but the Forest Service proposes to unilaterally create them through the Roadless Initiative. Without scientific evidence, public input, nor congressional action, the Forest Service has decided that all roadless areas everywhere are needed to function in the roles already filled by the National Wilderness Preservation System (NWPS). This circumvents Congressional authority and the National Forest Management Act.

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The intention to effectively extend the NWPS is expressed under "Impacts to to [sic] Designated of Potential Wilderness" on table S-1 (p. S-21). The DEIS states,

"Maintaining inventoried roadless areas would sustain a low level of threat to wilderness values and protect land between Wilderness areas and developed land. Opportunities for recreation that require remote characteristics, but are of a less restrictive nature than Wilderness, would be maintained."

The "smoking gun" is in the following statement: "Maintaining inventoried roadless areas in their current state will reduce the need for recreationists in search of remote experiences to move to Wilderness areas to enjoy a comparable experience. This will lessen the visitation pressure on Wilderness areas and help maintain the quality of Wilderness experiences (p. 3-172)." Clearly, the Roadless Initiative is a transparent effort to expand the wilderness system without Congressional action and in circumvention of the NFMA.

Analysis of Impacts

The analyses of impacts are so vague and unquantifiable that no reasonable decision can be made based on this document. Furthermore, it is possible for the Forest Service to make rough calculations and comparisons to other sources of the same impacts. The following comments explain these problems. I have organized them to follow the organization of the DEIS.

Ecological Factors p. 3-20

This section focuses on abstract concepts and factors that are virtually unmeasurable. For instance, a "healthy ecosystem" is an abstraction that cannot be measured.

The DEIS says,

"Scientists have used various rating systems to measure or characterize healthy ecosystems. These ratings are often based on professional judgment, when information is limited or no consensus exists. They usually measure or rate a variety of important ecological factors such as plant or animal communities or individual species, size or type of habitat, or type of disturbance process. When considered together, these ratings attempt to give an overall, although incomplete, picture of the general health of an ecosystem. Ecosystem health is used in this analysis to evaluate relative differences in outcomes of planning alternatives.

Various factors were evaluated and estimates were made on the relative degree to which they contribute to ecosystem health. Ecosystem structure, composition, and process broadly describe these factors. Structure is the attributes of the environment that are important to those organisms. For example, a fallen tree is a structural attribute that many species use for their home. Structure is also the size

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or type of habitat patch an animal uses. Composition is the biological diversity of an ecosystem, the plants and animals that live there. Process refers to the various kinds of activities, interactions, cycles, or disturbances that occur within an ecosystem. For example, fire is a natural disturbance process.

An environmental baseline is needed in these types of analyses to compare the change that may result from a land management decision. The estimated historic range of variability (based on conditions prior to European settlement) is often used as a baseline when evaluating ecosystem health (ICBEMP 1996). Scientists compare historic reference conditions with today's conditions and provide an overall rating of ecosystem health that is a measure of departure from historic conditions (pp. 3-20 to 3-21)."

If scientists cannot agree on rating systems and parameters to measure the conceptual ideal of ecosystem health (see above), how can the Forest Service implement planning and management based on it? The best that the Forest Service offers us is that these factors have some effect. With no agreement on parameters or data, the American people and land managers cannot intelligently decide if the impacts are significant.

The FEIS should attempt to calculate the impacts and make comparisons to impact from other sources. The DEIS says, "Most often, ecological factors were rated qualitatively by alternatives to obtain an estimate of relative differences" (p. 3-21). The qualitative comparisons offered in the DEIS are useless. We cannot determine if it is minimal, like the effect of a ship on world sea level, or significant, like the effect of the ice age glaciation on sea level. The Forest Service offers not even the roughest estimate on a national scale. For example, the amount of soil lost due to roads compared to the amount lost due to natural processes. Similar comparisons should be made for structure, composition, and various processes (interactions, cycles, or disturbances such as fire) that occur within an ecosystem. For example, how much fire is due to roads compared to "natural pre-European levels."

This action is predicated on the discredited concept of "estimated historic range of variability (based on conditions prior to European settlement) (p. 3-21)." This concept is based on the unfounded idea the ecological conditions prior to European contact were stable and ideal. This paradigm begs the question of what is the most stable and productive condition of public lands. It is influenced by nostalgia and the 19th Century concept of the noble savage living in harmony with the land. Science has little to do with the underlying assumptions. This concept will undoubtedly fall aside in time like the paradigm of the "super organism," the popular old-time notion that forest stands induced rainfall, or the popular notions about fire suppression. The problems created in the meantime may vastly overshadow those caused by fire suppression.

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Forest Service should not make a nationwide ban based on reasoning that admittedly does not apply nationwide. The DEIS says, "In some parts of the country, the historic range of variability is not useful as a benchmark due to lack of records of pre-settlement ecological conditions or due to substantial and irreversible ecosystem changes."

Watershed Health (p. 3-22 to 3-97)

Watershed health can be improved by Forest Service managing logging operations rather than merely banning logging. This section places primary blame for soil loss and low water quality on roads built for logging activities. Even after that, the DEIS says, "Although these impacts can be greatly reduced by using best management practices, poorly managed timber harvest activities can be the major source of sediment from the sale area. (p. 3-22)" It is the job of the Forest Service to manage such operations to reduce the impacts. It is not the job of the Forest Service to simply ban logging so it doesn't have to do its job.

Forest Service should not address concerns over logging impacts by applying the same management to areas where logging does not occur and where roads have minimum impact on watershed health. For example, there is no logging in Nye County, Nevada, and very little human use of Forest Service watersheds (see fig. 3-12, p. 3-28). Please note that no watersheds in Nye County appear in Figure 3-13. "Watersheds That Do Not Meet Clean Water Act Standards That Contain Inventoried Roadless Areas" (p. 3-30).

Locally, impacts on these areas are minimal and other forest use needs are great. Despite this, Forest Service proposes to close vast roadless areas here regardless of other community needs. Few benefits will come at the price of many other impacts. Statements in the DEIS support this, stating, "Annual water-yield volumes are unlikely to change in the drier portions of the Interior West, even where harvests will be heaviest, or in the East, where harvest volumes and roading are modest (p. 3-25)." The DEIS further supports this, saying,

"Collectively, these studies suggest that the effect of roads on basin stream flow is generally smaller than the effect of forest cutting, primarily because the area occupied by roads is much smaller than that occupied by harvest operations. Generally, hydrologic recovery after road building takes much longer than after forest harvest because roads modify physical hydrologic pathways but harvesting principally affects evapotranspiration processes. (Forest Service Roads: A Synthesis of Scientific Information," [In Press]" (p. 3-25).

Areas with roads only and no logging are at a much lower level of risk and there are fewer impacts. Such a prohibition may be reasonable on watersheds that serve as drinking water source areas. The same can be said for other related soil, water, and air impacts in Nye County.

Impacts of roads should be mitigated by appropriate design and construction rather than by simply banning roads. Road building may be banned after sight-specific evaluation.

A prohibition of road building and logging is contrary to the good of the United States. The DEIS says, "Alternatives that completely prohibit timber harvest would limit managers' options in high-risk areas (p. 3-23)." Similarly, other decisions concerning roadless areas should be made in the local planning process so that managers have flexibility to respond to problems.

Efforts to maintain biodiversity should focus on identifiable ecoregions that are underprotected rather than make a blanket road ban in currently unroaded areas. This discussion (pp. 3-47 to 3-97) should be a reasoned process rather than simply locking up all lands considered "roadless." Currently, Nye County is developing a Multispecies Habitat Conservation Plan. Forest Service efforts should be coordinated with other efforts rather than unilateral.

Forest Health (p. 3-97 to 3-111)

This issue is a prime example of the need for site-specific locally-based planning rather than a national prohibition on road construction. The complex issues of forest health will be affected positively in some respects and adversely in other aspects.

Human Uses (p. 3-112)

Recreation decisions should be made at the local level and not controlled by a national prohibition on road-building. The discussion on recreation recognizes that the demand for dispersed recreation will increase but fails to address the inevitably much larger increase in demand for motorized transportation. The conclusions focus only on demands for dispersed recreation. Nye County, for example, has an abundance of Wilderness and roadless areas for dispersed recreation. Nye County has 1,119,000 acres of roadless areas. This is over 35% of the roadless area in Nevada (total 3,142,000 acres). The roadless area in our county is greater than the entire area of the Tonopah Ranger District (1,115,000 acres). However, recreation opportunities for the vast majority of the population (i.e., motorized access and developed campgrounds) is severely limited. Most of the recreation public in this area is terribly under served by the Forest Service. Local citizens generally travel hundreds of miles, even to California, for outdoor recreation because of the lack of amenities on the large tracts of Forest Service land in our region. The development of better recreation opportunities in this area should not be hampered by a nationwide prohibition. Rather, local planning efforts should strike the balance. We think that your evaluation should be rewritten with more emphasis on the following statement.

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Scoping revealed conflicting opinions regarding motorized recreation use in unroaded 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.

The alternative of prohibiting all activities was considered (see Alternatives Considered but Eliminated from Detailed Study, Chapter 2), but was eliminated from further study because decisions of this nature are better made through local planning and collaboration processes (p. 3-121)."

The previous statement notwithstanding, the DEIS subsequently states, "Alternatives 2, 3, and 4 are barely distinguishable. This cluster of alternatives is rated high because they provide considerable and immediate stability to the level of supply; whereas, Alternative 1, the No Action Alternative is rated low because it allows for continued erosion of the supply of inventoried roadless areas maintained in an undeveloped condition.

Demand for SPM, SPNM, and P dispersed recreation opportunities is increasing (Cordell and others 1999b) in an environment of diminishing supply. Alternatives 2, 3, and 4 maintain higher levels of supply, so they have more opportunities to resolve the issue of balance between motorized and non-motorized dispersed recreation activities. Controversies are considerably less than Alternative 1 and have a higher probability of being resolved over time (p. 3-122)."

Alternatives 2, 3, and 4 will not provide "more opportunities to resolve the issue of balance between motorized and non-motorized dispersed recreation activities." On the contrary, proposals 2, 3, and 4 will extinguish those opportunities. The DEIS states,

"In essence, the local manager determines what activities are appropriate in an area. Such determinations would be constrained in inventoried areas, however, by a prohibition alternative if one were selected in the final rule (p. 2-7)."

It goes on to state, under the Preferred Action and Alternative,

"With respect to inventoried areas, 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 (p. 2-7)."

Social and Economic Factors (p. 3-160 to 3-225).

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This section starts with an important realization that local stakeholders bear the brunt of forest land management decisions while absentee stakeholders bear almost none of the burden.

“Those who have the strongest interests in NFS lands, and those whose livelihood or recreational pursuits are most closely tied to the national forests, are more directly affected by Forest Service policy than people who have little involvement with these public lands. It is these forest stakeholders who comprise the affected socioeconomic environment discussed here, and who are the focus of the socioeconomic effects analysis (p. 3-160).”

Unfortunately, the authors seem to totally forget this as the discussion progresses and this focus is lost. For example, the studies and statistics quoted in the subsequent sections focus on perceptions and desires of absentee stakeholders nationwide who are insulated from the burdens of Forest Service policy. Those stakeholders are generally unaware of the oppressive burdens placed on small communities by Forest Service policies.

Wildland Values (p. 3-161)

None of the wildland values described are dependent on the roadless policy proposed. The statements in this section about quality of life and economic well-being are false for the local stakeholders. These are the people for whom the impacts are most intense. They are the very people the authors said “are the focus of the socioeconomic effects analysis (p. 3-160).” It is small wonder that the public confuses the term “roadless” with “wilderness.” Similarly, the Forest Service thinks that roadlessness is essential to all of the wildland values described in this section. Water and Air Quality can be maintained with proper construction. Solitude and Personal Renewal can be found in the extant National Wilderness Preservation System. Sense of Place is a resource most threatened by loss of access and is a source of much anger in local communities. Research and Teaching values are available in the Forest Service Natural Research Areas and the NWPS lands. Passive use values are derived from those areas already protected in the NWPS and through proper management of other areas.

Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

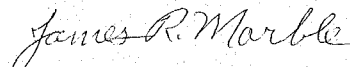
The authors present ample evidence that the demand for recreation experiences will increase and that the overwhelming portion of that demand is for motorized recreation. Predictably, the authors illogically conclude that the best response to increasing demand is to increased resistance to meeting that demand. In this section, as in the last, the Forest Service presents roadless values as equivalent to wilderness values. Currently, wilderness designation reserves 28% of the National Forests for use by less than 2% of the people who visit forests lands. The proposal would increase that proportion of land to nearly 50%. The Forest Service clearly places disproportionate emphasis on remote recreation opportunities. Clearly, the Forest Service is averse to meeting the recreation needs of the American people (the owners of

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the land and employers of the Forest Service). The authors show the vast economic importance of recreation industry, yet they propose to cripple that potential. The comments relating to discrimination by limiting motorized recreation access remain unanswered (p. 3-169).

The remainder of this section is fraught with data that conflicts with the recommendations. These inconsistencies follow the pattern demonstrated above. This document will surely serve for years as the prime example of a document written to support a predetermined decision.

Sincerely,



James R. Marble, Ph.D.
Director of Natural Resources Office

Johr. A. Chachas, Commissioner
 Julio Costello, Commissioner
 Brent Eldridge, Commissioner
 Kevin S. Kirkeby, Commissioner
 Cheryl A. Noriega, Commissioner
 Donna M. Bath, Ex-Officio Clerk of the Board

White Pine County
 Board of County Commissioners

June 29, 2000

USDA Forest Service-CAET
 Attention: Roadless Area Conservation Proposed Rule
 P.O.Box 221090
 Salt Lake City, Utah 84122

CAET RECEIVED
 JUN 29 2000

Dear Forest Service Roadless Area Conservation Team:

The White Pine Board of County Commissioners assigned the task of reviewing and making comment on the National Road Management Policy draft Environmental Assessment to their Public Land Users Advisory committee.

The County Commission has placed their faith in their official advisory board members, and, as in the past, they have not failed in doing their duty. Enclosed, please find a letter from White Pine County's Public Land Users Advisory Committee. This nine member board, represents a wide range of back grounds and expertise. The White Pine County Board of Commissioners have reviewed their comments and concur with their remarks.

Please accept their comments as official comments of the White Pine County Commissioners.

Additional comments adopted in a public meeting by the White Pine County Commissioners are as follows:

1.) The Draft EIS appears to be Biased and Predecisional

Recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selection the preferred alternative and proposed action. To Wit:

A) On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the value of roads, timber harvest, or many other multiple uses.

B.) The document is written very subjectively and leans toward justifying the proposed act of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an

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 Courthouse Annex
 953 Campton St.
 Ely, Nevada 89301
 (775) 289-8841
 (775) 289-8842

Attention: Roadless Area Conservation
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objective analysis of all alternatives, issues, and effects.

2.) The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments

The Forest Service admits that it's assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, road construction and reconstruction--and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildfire, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA.

3.) The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- A.) The NEPA process must be useful to decision-makers
- B.) Emphasize interagency cooperation including counties
- C.) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- D.) Study, develop, and describe appropriate alternatives
- E.) Consult clearly with State and Local agencies
- F.) Invite the participation of Federal, State, and local agencies
- G.) Statements shall be concise, clear, and to the point, and shall be supported by evidence
- H.) Statements shall be analytic rather than encyclopedic
- I.) Agencies shall not commit resources prejudicing selection of alternatives
- J.) Statements shall assess the environmental impacts, rather than justify decisions already made
- K.) Each statement shall contain a summary that adequately and accurately summarizes the statement
- L.) Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- M.) Avoid useless bulk
- N.) Circulate the statement and request comments from Federal, State, and local agencies.
- O.) Authorized to develop and enforce environmental standards
- P.) Incorporate material by reference only when it is reasonably available
- Q.) Insure the scientific integrity of discussions

Attention : Roadless Area Conservation
Page 3 of 4

4.) The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

Much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are fact and which are personal biases. To Wit:

A.) The document states that many decisions need to be made at the local level but literally moves all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B.) The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C.) In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways--Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5.) Conclusion

As relief to our concerns, the Commissioners of White Pine County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision to determining the disposition of roadless areas to local forest supervisors through normal land management planning processed. Then, local governments may play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (c)(ii), to address the significant new circumstances and information that is relevant to our environmental concern and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (a), to address inadequacies that preclude meaningful analysis.

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Attention : Roadless Area Conservation
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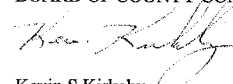
The White Pine County Nevada Public Land Users Advisory Committee has adopted, as ordinance, the WHITE PINE COUNTY PUBLIC LAND USE PLAN which is the legal guideline by which public lands in White Pine County shall be managed.

To further demonstrate White Pine County's position in this matter, enclosed is a copy of Ordinance #350 Bill # 1 -26- 2000 A. "Ordinance Declaring White Pine County's Policy Regarding Public Roads." White Pine has formally adopted these ordinances.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Should you require further comments or information, please feel free to contact this office.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


Kevin S. Kirkeby,
Commissioner

Xc: W.P.C. Public Lands Advisory
Nevada Association of Counties
Congressman Jim Gibbons
U.S. Senator Harry Reid
U.S. Senator Richard Bryan
Governor Kenny Guinn
Lt. Governor Lorraine Hunt
NV. Assemblywoman Marsha De Braga
NV. Senator Mike McGinness

KSK/dm/nf

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1 Summary: Ordinance Declaring White Pine County's Policy regarding Public Roads

2 BILL NO. 1-26-2000-A

3 ORDINANCE NO. 350

4 **ORDINANCE DECLARING WHITE PINE COUNTY'S**
5 **POLICY REGARDING PUBLIC ROADS**

6 WHEREAS, the County of White Pine Nevada is vast, sprawling and mostly rural
7 having approximately 6,000,000 acres and fewer than 11,000 residents within its borders; and

8 WHEREAS, before this territory was settled, the area now comprising White Pine
9 County was inhabited by Native Americans and early explorers; and, there were no roads or
10 highways, as known today, but there were single-track ways, pathways and other trails connecting
11 two points; and

12 WHEREAS, since the creation of White Pine County, miners, ranchers, hunters
13 fishermen, recreationists and other members of the public have by usage established, reestablished
14 developed and/or maintained, numerous roads and similar public travel corridors across the public
15 lands of the County; and

16 WHEREAS, in more recent years miners, ranchers and other members of the public
17 together with federal, state and local governments have, by usage or through mechanical means
18 established, reestablished, developed, constructed and/or maintained roads and highways across the
19 public lands of the County; and

20 WHEREAS, the ways, pathways, trails, roads, highways and other public corridor
21 (hereinafter, collectively "Roads") established within White Pine County, whether by usage or by
22 mechanical means, have a public purpose, e.g., to allow travel from one point to another within the
23 hinterlands of White Pine County, and thereby permit and enable all of the economic and social
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1 components of life in the County, including but not limited to mining, ranching, logging, wood-
2 harvesting, hunting, fishing, water acquisition, and all types of recreation; and

3 WHEREAS, the Mining Act of July 26, 1866, codified at 43 United States Code
4 Section 932 (commonly known and hereinafter referred to as R.S. 2477) is a law of the land which
5 was enacted for the purpose of memorializing the right of access to the public lands by the people
6 of the United States, and establishing the express right to construct highways (roads) and the implied
7 right to access, by there and then granting self-establishing/self-authenticating rights-of-way for all
8 roads previously or thereafter located, established and/or developed, whether by usage or by
9 mechanical means, to allow travel from one point to another, across or through public lands, to
10 encourage the settlement of the West; and

11 WHEREAS, the federal courts have interpreted R.S. 2477 to provide a public right-
12 of-way for all Roads across or through public domain lands, so long as those Roads were
13 established and "accepted" by general public usage and enjoyment before October 21, 1976 (the
14 effective date of the Federal Land Policy and Management Act) or prior to the withdrawal of federal
15 lands from public domain (e.g., national forests, national parks, national trails, military, reservations,
16 etc.) and served to connect two points of societal importance (towns, stage stops, mines, ranches,
17 water sources, etc.), whether by constant alignment or alignment subject to seasonal, weather,
18 economic or other adjustment; and

19 WHEREAS, Nevada Revised Statutes Section 405.191 defines the term "public
20 road" to include all roads existing on R.S. 2477 rights-of-way and "accepted by general public use
21 and enjoyment . . ." and endows every board of commissioners with the authority to "locate and
22 determine the width of such rights-of-way and locate, open for public use and establish thereon
23 county roads or highways"; and
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1 WHEREAS, the definition of a "public road," pursuant to N.R.S. Section 405.191
 2 also includes roads designated by the White Pine County Board of commissioners ("Board") as
 3 major, general and minor roads (pursuant to N.R.S. Section 403.170), and "[a]ny way which is
 4 shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city town
 5 or portion thereof duly recorded or filed in the office of the county recorder, and which is not
 6 specifically therein designated as a private road or a non-public road, and any way which is
 7 described in a duly recorded conveyance as a public road or is reserved thereby for public road
 8 purposes or which is described by words of similar import"; and

9 WHEREAS, the board recognizes the continuing validity of other--common--law--
 10 authority for the establishment of roads for the good of the citizenry, including but not limited to the
 11 authority set forth in the doctrine of easement of necessity, where the easement is indispensable to
 12 the enjoyment of the dominant custody, and the doctrine of implied easement where a land use
 13 result may be inferred from a transaction, authority which the Board believes has not been
 14 preempted, superseded or otherwise set aside by R.S. 2477 or other statutory scheme; and

15 WHEREAS, THE Americans with Disabilities Act, known as the "ADA", enacted
 16 on July 26, 1990, provides for comprehensive civil rights protections to individuals with disabilities
 17 including services to be provided by government.

18 WHEREAS, that White Pine County's survival, economically and socially, is
 19 dependent upon access to its public lands, which comprise more than ninety-seven percent (97%)
 20 of the whole of the County's land mass, and upon the Roads which allow that access; and

21 WHEREAS, the Board recognizes that in exercising its authority to locate, lay out,
 22 open, construct, rehabilitate, maintain and/or close public Roads, it has a duty to act in a manner
 23 ...

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1 which will result in a benefit to the general public; will avoid or mitigate, to the fullest extent
 2 reasonably possible, any significant impairment of the environment or natural resources; and, unless
 3 unavoidable for purposes of the greater good, will not result in a significant reduction in the value
 4 of public or private property; and

5 WHEREAS, the Board desires to resolve any and all issues and concerns relating
 6 to its designation of roads as White Pine County Public Roads in accord with the processes set forth
 7 in the Memorandum of Understanding had by and between this Board and the Board of Lincoln
 8 County Commissioners, the Board of Nye County Commissioners, Ely District, Bureau of Land
 9 Management U.S. Department of the Interior and Humboldt-Toiyabe National Forests U.S.
 10 Department of Agriculture, titled MOU-NV-040-0701 (BLM) and 17-MOU-97-010 (USFS
 11 (hereinafter referred to as the Memorandum of Understanding) which reflect R.S. 2477 and
 12 applicable Nevada Revised Statutes; and

13 WHEREAS, the Americans with Disabilities Act, known as the "ADA", enacted
 14 on July 26, 1990, provides for comprehensive civil rights to protections to individuals with
 15 disabilities involving services to be provided by government.

16 NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF
 17 THE COUNTY OF WHITE PINE DO ORDAIN:

ARTICLE I

PUBLIC ROAD DEFINED

18 Section 1.0. **Public Road Defined.** The term "White Pine County Public Road" shall
 19 and shall be defined as each and every way, pathway, trail, stock trail and driveway, road, county
 20 highway, railroad and other similar public travel corridor across public lands in, and such other road
 21 ...

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as defined by Section II hereof, White Pine County, connecting two points of societal importance (regardless of whether the points so connected are located inside or outside the boundaries of White Pine County), whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized/mechanized vehicles of each and every sort whether currently passable or impassable, that was established and accepted by public use and enjoyment under common law doctrines of property rights, under R.S. 2477, but only if established and accepted by public use and enjoyment or under statutory authority, except State and U.S. Highways.

ARTICLE II

PRIVATE ROAD USE

Section 2.0. Private Road Use. Roads across private lands within White Pine County not otherwise established by other law or authority are or shall be designated as White Pine County Public Roads only if they are offered to, accepted by and dedicated to White Pine County according to the roads policies and regulations which then are in effect.

ARTICLE III

PUBLIC ROAD OWNERSHIP

Section 3.0. Public Road Ownership. All White Pine County Public Roads are the property of White Pine County, as trustee for the public users thereof; and, the Board and/or the Board acting as Highway Commissioners, shall have the authority, from time to time, to locate and determine the alignment and width of such rights-of-way and open, reopen, establish, construct, rehabilitate, maintain and/or close thereon county roads or highways, subject to applicable federal laws and regulations; provided, however, that pursuant to its commitment to full implementation of ...

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the letter and spirit of the Memorandum of Understanding which has been executed by the parties thereunder.

Section 3.1. Action Related to Ownership. The board shall not, except in the event of an emergency requiring immediate action, make or implement decisions pursuant to the authority described in this Article without first having advised the appropriate government agency of its proposed decision or action; and, by and through the Memorandum of Understanding processes, attempted to resolve any challenge or opposition to such decision or action by the appropriate governmental agencies.

ARTICLE IV

SUBSEQUENT ADOPTION OF RULES AND REGULATIONS

Section 4.0. Subsequent Adoption of Rules and Regulations. The Board and/or the Board acting as Highway Commissioners, hereafter by ordinance or resolution, will adopt all rules and regulations necessary and proper to assure that decisions made and actions taken under its authority to locate, lay out, open, construct, rehabilitate, maintain and /or close public Roads are made upon sufficient findings that such decisions and actions will result in a benefit to the general public, will, avoid or mitigate to the fullest extent reasonably possible any significant impairment of the environment or natural resources; and, unless unavoidable for purposes of the greater good, will not result in a significant reduction in the value of public or private property.

Section 4.1. Effect Upon "Taking Ordinance." This section is not intended to modify Ordinance 339, enacted by the Board of County Commissioners the 12th day of May, 1999; that such Ordinance shall control relating to any issue relating to the taking of property by an entity of government, notwithstanding any provision herein to the contrary.

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ARTICLE V

ACQUISITION OF RIGHTS OF WAY

Section 5.0. Acquisition of Rights of Way. For each road established subsequent to R.S. 2477 authority and proposed for designation as a White Pine County Public Road, and for each road which is established by White Pine County in the future, the Board and/or the Board acting as the Highway Commissioners, will acquire all rights-of-way necessary for the establishment and management of the road from the appropriate federal land managing agency or other persons or governmental entity prior to designation as a White Pine County Public road (if already established) or reestablishment by White Pine County (if not already established).

ARTICLE VI

HISTORIC ROAD USE

Section 6.0. Historic Use Defined. Historic use or practice is defined as a period of twenty (20) years or more.

Section 6.1. Historic Use Adopted. The Board here adopts and ratifies historic uses and practices in White Pine County allowing for maintenance of county roads by usage or mechanical means; and, the Board's decision to not mechanically maintain any one or more of the Roads shall not terminate, or affect in any way, the status of such Roads as White Pine County Public Roads.

ARTICLE VII

IMMUNITY FROM SUIT

Section 7.0. Immunity from Suit Relating to Public Roads. Pursuant to N.R.S. Section 405.193(2), no action may be brought against White Pine County, its officers, or employees

for damage suffered by a person solely as a result of the un-maintained condition of a Road made public by the Board pursuant to N.R.S. Section 405.195;

Section 7.1. Immunity from Suit Relating to Minor Roads. Pursuant to N.R.S. Section 403.170, White Pine County is immune from liability for damages suffered by persons as a result of using any road designated by the Board as a minor County road.

ARTICLE VIII

PROCEDURE FOR ABANDONMENT

Section 8.0. Procedure. Abandonment or road closure of any White Pine County Road must follow the procedures provided in N.R.S. 405.195, including but not limited to public hearings.

ARTICLE IX

ATTACHMENT OF MAPS

Section 9.0. Attachments. Attached hereto and incorporated herein are maps which specify and designate those Roads located within White Pine County which the Board, and/or the Board acting as the Highway Commissioners, preliminarily has/have determined are White Pine County Public Roads, pursuant to the definition given herein-above and all applicable federal and state law.

Section 9.1. Reservation. The Board expressly notes that the process of designation of such Roads is not complete; thus, the maps are not and shall not be deemed a comprehensive or exhaustive listing or designation of those Roads which are or may be White Pine County Public Roads.

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1 Section 9.2. Update of Maps. It is intended that these maps will be revised and
 2 reissued periodically, as other or additional Roads are determined to be White Pine County Public
 3 Roads or Roads preliminarily so designated are determined, upon further review, not to be
 4 appropriately or lawfully designated as White Pine County Public Roads.

ARTICLE X

CHALLENGE TO DESIGNATION OF PUBLIC ROADS

8 Section 10.0. Challenge by Governmental Entity. Other entities of local, state,
 9 or federal government, or any such other entity of government shall have the standing and right to
 10 challenge the designation of Roads as White Pine County Public Roads, when and if such entity
 11 through its representatives, believes that such designation is inappropriate and/or unlawful, based
 12 upon application of federal and state law and the history of the Road(s).

14 Section 10.1. Challenge by Private Person. A private person shall also have the
 15 standing and right to challenge the designation of roads as White Pine County Public Roads as
 16 provided in Section 10.0.

17 Section 10.2. Notice. The White Pine County Clerk, as Clerk of this Board, shall
 18 send copies of this Ordinance and attached maps to other entities of government, specifically for
 19 their review of the designation of White Pine County Public Roads.

21 Section 10.3. Protests. Any governmental entity or private person may protest the
 22 designation of public roads by the Board of County Commission by the filing of a written protest
 23 prior to final adoption of this ordinance. The Board shall consider all such protests.

24 Section 10.4. Intent. The intent of this Article is to invite and encourage other
 25 governmental entities to initiate the resolution process set forth in the Memorandum of
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1 understanding for any and all Roads preliminarily designated as White Pine County Public Roads
 2 where any such have reason to believe that any designation made hereunder is contrary to the best
 3 interests of the public, private rights of ownership, or applicable law.

ARTICLE XI

REPEAL OF CONFLICTING ORDINANCES

7 Section 11.0. Repeal of Conflicting. Any and all ordinances or parts of ordinances
 8 theretofore adopted by the County which are in conflict with this Ordinance are hereby repealed.

ARTICLE XII

SEVERABILITY

11 Section 12.0. Severability. If any provisions of this Ordinance are held invalid,
 12 such invalidity shall not affect other provisions and each provision is hereby declared to be
 13 severable.

ARTICLE XIII

EFFECTIVE DATE

17 Section 13.0. Effective Date of. This Ordinances shall take effect from and
 18 after passage, approval, and publication. Collection of the tax authorized pursuant to this Ordinance
 19 shall then be made effective as of the date provided for by Section 3.29.100.

ARTICLE XIV

DESIGNATION OF FUTURE ROADS

23 Section 14.0. Designation of Roads. Any addition, amendment, correction,
 24 deletion, or modification to the definition of public roads borne by the maps attached hereto pursuant
 25 to Article IX may be made by resolution. Any subsequent designation may be protested as provided
 26 for by Article X, Section 10.3.

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Section 14.1. Public Hearing. This ordinance is to be construed as allowing a public hearing on any matter relating to public roadways in White Pine County. The Board of County Commissioners may in its discretion conduct a public hearing, where deemed advisable, to consider any matters pertaining to public road policy.

This Ordinance shall take effect from and after passage, approval and publication by law, to-wit: From and after the 8 day of March, 2000.

PROPOSED on the 26 day of Jan, 2000.

PROPOSED by COMMISSIONER Eldridge.

VOTE: AYES: Brent Eldridge
John A. Chacka
Julio Costello
Cheryl Nohies
Kevin Cirkel

NAYES: NONE

ABSENT: NONE

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1st Brent Eldridge
CHAIRMAN OF THE BOARD

ATTEST:

Donna M. Bath
CLERK OF SAID BOARD

THIS ORDINANCE shall be in force and effect from and after the 8th day of March, 2000.

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**WHITE PINE COUNTY
PUBLIC LAND USERS ADVISORY
COMMITTEE**

Courthouse Annex
953 Campton St.
Ely, NV 89301
June 13, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Forest Service Roadless Area Conservation Team:

The White Pine County Nevada Public Land Users Advisory Committee, an advisory committee appointed to advise the White Pine County Commission, is commenting on the National Roadless Conservation Plan.

The White Pine County Commission has adopted, as ordinance, the WHITE PINE COUNTY PUBLIC LAND USE PLAN which is the legal guideline by which public lands in White Pine County are to be managed.

While the National Forests belong to all Americans, Congress expressly intended for National Forests to benefit and sustain the local communities and governments adjacent to and surrounded by such forests to a greater degree than the general public. Accordingly, local governments and communities which are most directly affected by the management of a particular national forest should have a greater opportunity to comment and participate in decision making for that Forest. Likewise, such decisions should primarily be made by local Forest Service officials within the guidelines of the County Land Use Plans rather than to have regional and national officials developing blanket rules. Such local participation and decision making is consistent with the intent of Congress. While Forest Service management plans may be possible in some circumstances, they should not take precedence over local decision making within each National Forest. In other words, one-size-fits-all policies are not in the best interests of the local communities as the law intended.

Locally, White Pine County is participating in a Technical Review Team through the Coordinated Resource Management Process with the federal agencies to address the road issues. The team is making progress and is working within the guidelines of the County and the current needs of the environment with an eye to the future as well as the economic development of the County. We appreciate the authority provided for local forest managers to work within the specific needs of the local forests and believe that through the efforts currently in progress we can meet the goals of the County as well as those of the local forest, thereby meeting the letter of the law in the Organic act, the law which created the United States Forest Service.

The DEIS defines unroaded area as any area without the presence of a classified road, and of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition. This definition excludes roads defined as unclassified which are defined as roads not intended to be part of, and not managed as part of, the forest transportation system, such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways. This rule may be contrary to the courts' 2477 road decisions and is contrary to the definition of road in the White Pine County road definition. It has the effect of limiting mining exploration, that portion of the economy which stands to be most effected and conflicts with the stated intent of the Organic Act.


The economy of rural Nevada depends almost exclusively on mining and ranching. The DEIS recognizes the 1872 Mining Law and previous existing rights. But this is only for existing claims. We believe that this policy will contribute to loss of access to future prospects and discoveries. Deborah J. Shields presents a good discussion of the transitory geographic nature on mineral economics in the Energy and Minerals section of FOREST ROADS: A SYNTHESIS OF SCIENTIFIC INFORMATION, United States Department of Agriculture, Forest Service, Draft Final, March 2000.

Roadless area decisions must include access to potential as well as known mineral and energy resources. It is important to have "figures available" regarding the value of minerals not extracted. Access is critical also to be able to determine economic benefits to the community which are yet to be discovered. Most mineral deposits have been located in areas that would be classified as roadless as defined by this DEIS.

Ranchers must have access to their ranges in order to facilitate the best management of the range. Ranchers must have access to riparian and water sources in order to properly manage them, they must have roads in order to move water tanks to graze livestock throughout their allotments evenly to meet the requirements of their grazing resource management plans. These decisions must be made at the local level.

In order to enhance the local economy a great deal of effort is being made, with the cooperation of the local Federal offices, to develop further recreation opportunities in White Pine County. The local governments, with the cooperation of the Forest Service, must be the deciding agencies in determining the definitions of road and roadless.

According to those experienced in this matter, the effects of the proposed rule have a greater negative impact as it is implemented in the Intermountain west. In Nevada, where the rural populations are centered in the areas where there is National Forest, it is expected that there will be a serious negative economic impact.


Glenn H. Terry
Chairman

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WHITE PINE COUNTY PUBLIC LAND USE PLAN

MOU-NV-040-9701 (BLM)
17-MOU-97-010 (USFS)

MEMORANDUM OF UNDERSTANDING AMONG

BOARD OF LINCOLN COUNTY COMMISSIONERS,
BOARD OF NYE COUNTY COMMISSIONERS,
BOARD OF WHITE PINE COUNTY COMMISSIONERS,
ELY DISTRICT, BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR,
AND
HUMBOLDT-TOIYABEE NATIONAL FORESTS
U.S. DEPARTMENT OF AGRICULTURE

Section I COUNTY AUTHORITY

Congress has bestowed considerable power and authority on counties to influence the federal agency land use planning for federal lands. The nine major laws which grant this power are:

- * The Federal Land Policy and Management Act.
- * The National Forest Management Act
- * The National Environmental Policy Act.
- * The Endangered Species Act
- * The Wild and Scenic River Act.
- * The National Historic Preservation Act
- * The Wild Horse and Burro Act
- * The National Wildlife Refuge System Improvement Act
- * The Great Basin National Park Enabling Legislation

Because White Pine County participated in the planning process for the Great Basin National Park General Management Plan 1993, Great Basin National Basin National Park is not included in this Land Management Plan. Refer to the Final General Management Plan of the Great Basin National Park.

The language in the regulations that have been promulgated to implement these laws clearly set forth the power and influence of the counties. The apparent lack of county influence over federal agency land use plans has not been from lack of authority. The problem has been the failure of the county to assert its authority.

Section 2 AGREEMENTS

The language in the Memorandum of Understanding is an outstanding expression of intent and commitment to work together on land use planning and other areas of mutual interest. In general terms, both the county and the BLM and U.S. Forest Service agreed to cooperate in land use decision making, inform each other in advance of plans, and cooperate in any supplemental agreements to the MOU, such as the Memorandum of Agreement between the BLM and White Pine County pertaining to proposed land exchanges involving lands outside White Pine County and offered lands within White Pine County.

The actions constitute an unusually straightforward expression of intent and commitment.

- * Note Memorandum of Understanding
- * Note Memorandum of Agreement

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I. PURPOSE:

The goals and objectives of this Memorandum of Understanding emphasize the need to address long-term land use within the Counties in order to preserve the Quality of Life for the areas' current and future generations and strike a balance among the many and often competing needs and interests. With over 90 percent of the land within the Counties in the National Forest System or administered by the Bureau of Land Management, the actions of the federal land management agencies can and do have a significant effect on the economic and environmental climate of each County. The Forest Service and ELM are directed by laws to develop and implement land and resource management plans. The agencies have a responsibility and obligation under these laws to coordinate the preparation of management plans with local governments and agencies. Conversely, local governments have an obligation to join with the federal agencies to ensure that the needs of the citizens of the Counties are recognized and addressed in the resulting plans. Therefore, it is recognized that it is in the best interest of all parties to join together in a coordinated effort to develop and implement plans and activities that will result in a vital economy and environment within Lincoln, Nye and White Pine Counties.

II. MUTUAL AGREEMENT:

A. All Parties Agree:

1. To develop a dynamic, collaborative approach to land management planning that builds or improves trusting relationships.
2. To be mutually respectful of each others goals and objectives through the incorporation of the values, expectations, and needs of people within appropriate contexts.
3. To facilitate better communication and understanding of how each entity's actions contribute to the area's resources and people.
4. Cooperate in land use planning processes, including consultation and participation in preparation of land use plans, including, for example, County master plans, County public lands policy plans, resource management plans, forest plans, project plans and significant amendments to or revision of said plans. Cooperate in economic analysis for these planning efforts, as appropriate.
5. Inform each other as far in advance as possible of anticipated plans and proposed activities that might affect either party.
6. Cooperate in development and implementation of specific agreements supplemental to this agreement, including, but not limited to, agreements regarding zoning, subdivision of lands, road construction, maintenance, use, and closures; abandonments; control or restriction of roads and rights-of-way; and cooperative fire agreements.
7. Share resources and expertise to facilitate exchange of non-proprietary resource and land use information concerning land located in the Counties including electronic data, personnel to assist in data gathering and land use planning to the extent

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- practical within financial, legal and personnel limitations. Share, when appropriate, training, workshops, and technical sessions.
8. Recognize that the authorities and responsibilities of the entities are different and each is guided by the specific laws and regulations which pertain to their respective level of government.
 9. Initiate cooperative efforts that could lead to the execution of protocols, letters, or supplemental memoranda of understanding on, but not limited to, the following subjects:
 - a. Water resources development
 - b. Range and grazing allotment management
 - c. Desert Land Entries
 - d. Minerals exploration, mining and reclamation
 - e. Public Safety and emergency management including communication planning
 - f. Economic values and tax base
 10. Make representatives available to attend a tri-county meeting, at least once a year, to discuss proposed actions, activities, etc. of mutual interest.

B. The Forest Service and BLM will:

1. Make representatives available as needs arise as identified by either party to attend regularly scheduled County Commission meetings, special sessions of the County Commission, or any meetings of advisory boards representing the County Commissions to discuss proposed actions or activities scheduled by the Agencies.
2. Notify the applicable County(ies) at least sixty (60) days in advance of the interest in sale or conveyance of public lands within the county.

C. All Counties will:

1. Make available to the BLM and Forest Service, social and economic information in possession of the County.
2. Notify the BLM, Ely District Office, and Forest Service, Ely Ranger District, in writing, of any apparent inconsistencies between the county policies, plans, and programs and the policies, plans and programs of the BLM or Forest Service.

III. AUTHORITIES

- A. Executive Order 12866 of September 30, 1993.
- B. Federal Advisory Committee Act (FACA) of 1972 (5 USC App 2) (41 CFR 101-6) and amended by P.L.104-4, Section 204.
- C. FLPMA of 1976 (42 USC 1701 et seq. as amended) (43 CFR).
- D. National Environmental Policy Act of 1969 (42 USC 4321), (40 CFR 1500-1508).
- E. National Forest Management Act (NFMA) of 1976 (16 USC 1600), (36 CFR 219).
- F. The Organic Administration Act (Organic Act) of June 4, 1897 (16 USC 473 et seq.).

IV. ADMINISTRATION

- A. Nothing in this memorandum shall obligate the parties to this agreement to expend funds or to enter into any contract or other obligations.

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- B. Specific work projects or activities that involve the transfer of funds, services, or property among the cooperators of this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress or White Pine, Lincoln and Nye Counties.
 - C. Each subsequent agreement or arrangement involving the transfer of funds, services or property between the parties to this MOU must comply with the applicable statutes and regulations, including those applying to procurement activities.
 - D. This MOU in no way restricts the cooperators from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
 - E. No part of this agreement modifies existing authorities under which the parties currently operate.
 - F. This agreement shall become effective as soon as signed by the parties hereto. Amendments or supplements to this agreement may be proposed by any party and shall become effective upon written approval of all parties. This MOU will be reviewed by all parties every two years and modified as needed. The MOU shall continue in force unless formally terminated by any party after thirty (30) days notice in writing to the others of the intention to do so.

Edward E. Wright

 Chairman, Board of County Commissioners
 Lincoln County

20 Dec 1996

 Date

Richard Cunn

 Chairman, Board of County Commissioners
 Nye County

01/21/97

 Date

Carol O' McKenna

 Chairman, Board of County Commissioners
 White Pine County

02/3/97

 Date

Melissa J. Blumhach

 Assistant Forestry Supervisor
 Humboldt-Toiyabe National Forests

2-6-97

 Date

David Kolla

 District Manager
 Ely District, BLM

2/7/97

 Date

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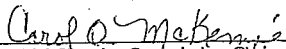
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MEMORANDUM OF AGREEMENT
BETWEEN
THE BUREAU OF LAND MANAGEMENT
AND
WHITE PINE COUNTY

3. White Pine County will designate a representative pertaining to the land exchange process.
4. White Pine County will share all information pertinent to the exchange with the BLM.

I. INTRODUCTION AND PURPOSE

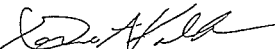
This Memorandum of Agreement (MOA) establishes an agreement between the Bureau of Land Management (BLM), Ely District, and White Pine County pertaining to proposed land exchanges involving selected lands outside White Pine County and offered lands within White Pine County. The purpose of the MOA is to establish a framework of actions by each of the parties to facilitate such land exchanges.


Carol McKenzie, Commission Chair

3/12/97
Date

II. BLM RESPONSIBILITIES

1. BLM will be a cooperater toward accomplishment of any said land exchange.
2. BLM will do all within its power to cause a meeting(s) between proponents of such land exchanges as described in the above paragraph and White Pine County to occur. If desired by White Pine County, BLM will attend said meeting(s).
3. BLM will designate a representative pertaining to the land exchange process.
4. BLM will share all information pertinent to the exchange with White Pine County.


Gene A. Kolkman, District Manager

3/12/97
Date

III. WHITE PINE COUNTY RESPONSIBILITIES

1. White Pine County will be a cooperater toward accomplishment of any said land exchange.
2. White Pine County will attend meeting(s) with the proponent as mentioned in II. 2., above. At such meeting(s), White Pine County will negotiate and attempt to cause actions to occur that would mitigate tax base loss to White Pine County. The idea is to leave the county tax base whole while concurrently attempting to support the land exchange. White Pine County will also negotiate and attempt to cause actions to occur that would mitigate loss of lands used for agricultural purposes.

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Section 3 Existing Plans

Nevada has a statewide policy plan for public lands. The plan was signed by the Governor on June 9, 1986. The Statewide Policy Plan is comprised of individual public land policy plans for all seventeen counties. The plans are an outgrowth of Senate Bill 40.

SB40 was designed, in part, to take advantage of the consistency language in Section 202(c)(9) of FLPMA. Section 202(c)(9) governs BLM planning and requires that BLM land use plans be consistent with state and local land use plans. Statute 43 USC Section 1712(c)(9) directs that BLM land use plans should be consistent with state and local plans to be the maximum extent the Secretary of the Interior finds consistent with Federal law and the purposes of FLPMA.

As set forth in County Ordinance No. 309, the Advisory Committee shall recommend a comprehensive Land Use Plan for public lands located in White Pine County to the Board of County Commissioners. It is the understanding of the White Pine County Public Lands Users Committee that the citizens of White Pine County want an updated SB40/White Pine County Public Land Policy Plan providing numerous and wide ranging policy statements related to federal lands in general, water, minerals, agriculture, recreational, wildlife, transportation, cultural, wild horses, wilderness, forest management and public lands identified for non federal ownership.

The White Pine County Public Land Management Plan is the County Land Management Plan developed by the White Pine County government to guide the use of public lands and public resources in White Pine County and to protect the rights of private landowners. This Land Management Plan, developed by the people of White Pine County and adopted by the White Pine County Board of Commissioners, shall serve as the primary guide in the use and management of all public lands within White Pine County. This plan builds upon the foundation set forth by the SB 40 plan.

Existing Land Use Plans

1983 Schell Management Framework Plan
 1985 Refuge Management Plan Ruby Lake National Wildlife Refuge
 1985 Egan Resource Management Plan
 1986 Humboldt National Forest Plan and Amendments
 1993 Final General Management Plan Great Basin National Park

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Background

Public lands make up a substantial part of White Pine County. Moreover, White Pine County's economy is dependent on business activities on public lands. These activities are inseparably tied to the small fraction of private lands in White Pine County. To a substantial degree local communities are at the mercy of planning decisions made outside the county, often to the detriment of local communities and citizens. Such circumstances are contrary to the basic principles of Freedom and Liberty, and sound resource management. Believing that the American concept of "government by the people for the people" is best served when government affairs are conducted as close to the people as possible (i.e., at the county level).

Custom and Culture

By the time the Western Territories of today's United States of America began to be settled, the tradition of individual freedom, free enterprise, and the right of the people as individuals to the use and enjoyment of the lands and resources within their communities, had been well established in America. It was well recognized that private ownership always led to the greatest resource enhancement. Mining and agriculture have been the historic custom and culture of White Pine County. White Pine County has always been willing to gamble a lifetime on round after round of dynamite blasts or on the often marginal productivity of the soil and the fickle clouds or on the faith that down under the valleys are vast reservoirs of life giving waters.

Community Stability

One of the biggest problems facing the local governments today is loss of tax base. In order for any community to provide needed schools, health care, police protection and other services, industry and commerce within the community must be encouraged and strengthened. As it is today, increasing governmental regulations are hampering local enterprises that rely on public lands. The loss of these local enterprises leads to the loss of economic stability.

Community stability is defined as a combination of custom, culture and economic preservation. Forest Services, United States Department of Agriculture, The Use Book 13, 1906 ed.

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Principles and Objectives

The Plan addresses public land management issues directly and is intended to be used as a positive guide for public land management agencies in their development and implementation of land use plans and management actions. The County and its citizens support the continued multiple use of public lands in White Pine County. Therefore, it is the policy of White Pine County that public agencies shall inform local governments of all pending actions affecting local communities and citizens and coordinate with them in planning and implementation of these actions. The White Pine County Board of Commissioners, when affected by such actions, shall be consulted and coordinated with in accordance with the laws of Nevada and the Constitution of the United States of America. Finally, as stated in public land laws, all laws affecting public lands in this county and public agencies shall comply with the White Pine County Land Management Plan and coordinate with the Board of Commissioners for the purpose of planning and managing public lands within the geographic boundaries of White Pine County, Nevada. Public agencies proposing actions that will economically impact White Pine County shall prepare and submit in writing, and in a timely manner, report(s) on the purposes, objectives and estimated impacts of such actions to the White Pine County Board of Commissioners. These report(s) shall be provided to the White Pine County Board of Commissioners for review and coordination prior to initiation of any action thereon.

Preamble

We, the People of White Pine County, State of Nevada accept, support and sustain the Constitution of the United States of America and the State of Nevada. The Constitution of the United States of America limits the authority of the federal government to specific lands as stated in Article 1, Section 8, Clause 17. We hereby reaffirm our rights that all lands in White Pine County that are not so specifically designated pursuant to Article 1 Section 8, Clause 17 be managed in coordination with citizens thereof. Further, we reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding fathers. Based on these cherished traditions, the White Pine County Land Use Plan shall be used as a guide in all public land natural resource decisions, thereby protecting local custom and culture and maintaining traditional economic structures through reliance on the use of public lands.

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Water

The water supply of White Pine County is its agricultural capital. The land forms a vehicle for carrying plants and conveying to them the immense quantity of liquid required to maintain vegetal and animal life. The Public lands are managed to produce water for the citizens, wherever they may be, in whatever quantity. Also under the multiple use concept, livestock are grazed, minerals are mined, timber is cut for market, hunters and fishermen are welcome, skiing and camping are encouraged and managed and federally controlled lands have produced water. For over 135 years, Nevada water law has worked. We understand the federal governments claims for wilderness watershed protection, healthy stream conditions, wildlife and other uses; yet, we have never met a producer who was proud of soil erosion, dirty water or plants or animals in poor condition. White Pine County supports the White Pine Riparian Coalition to discuss and coordinate water issues, for water is a precious resource, and we are committed to ensure all animals are afforded the opportunity to drink on clear mountain streams and springs.

It is our recommendation that each application of a water permit on federal land by the Federal government as an applicant shall be reviewed by the board of County Commissioners. It is our opinion that the State of Nevada shall maintain primacy of control over its most vital resource through the application of the state's water laws.

Policies

1. The protection of existing water rights and water uses within White Pine County is of primary importance to the County's economic and cultural well being. Therefore, transfers in water use shall be carefully considered in relationship to the history, traditions and culture of White Pine County.
2. White Pine County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability.
3. White Pine County shall consider the impact of water users on existing as well as future water rights for agricultural, municipal, industrial and domestic purposes.
4. White Pine County shall encourage alternative uses of water, including but not limited to geothermal uses and hydroelectric power.

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5. White Pine County shall actively engage in providing opportunity for the development of water based agriculture within the County.
6. It is the intent of the White Pine County government to be notified of all state, interstate and other actions that have any impact on the water of the County prior to such actions being initiated.
7. White Pine County shall develop its water use policy to ensure both water quantity and water quality.
8. White Pine County shall participate in the development of riparian management plans in concert and coordination with landowners, ranchers and the appropriate public agencies.
9. No Wild and Scenic Rivers shall be designated in White Pine County without concurrence by White Pine County.

Minerals

White Pine County recognizes that the development of its abundant mineral resources is desirable and necessary to the state and the nation. Therefore, it is the policy of White Pine County to encourage mineral exploration and development.

Policies

1. White Pine County supports large and small scale mining, the 1872 Mining Law, exploration and development consistent with sound economic and environmental practices.
2. White Pine County promotes the use of public mineral resources to realize a sustainable and continuous supply of minerals. Such sustainable levels assume that minimal lands be given single use or restrictive designations and that the maximum areas of land be outside Wilderness Areas and be available for active and intensive exploration, development and management.
3. White Pine County supports the transportation of mineral and mining products and material essential to the mining operation over public roads and highways within White Pine County.

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Agriculture

Agricultural production in White Pine County is necessary to the livelihood and well being of its citizens. Therefore, it is the policy of White Pine County to protect agricultural land, promote the continuation of agricultural pursuits by protecting private property rights, relying on self determination and open market conditions.

Policies

1. Opportunities for agriculture on public lands shall be encouraged.
2. White Pine County shall encourage agencies managing public lands to coordinate with appropriate advisory board on all matters affecting livestock grazing on public lands within the borders of White Pine County.
3. Formally recognize the value of and necessity for the retention and expansion of agricultural land by all levels of government.
4. The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives.
5. Livestock adjustments should be based on appropriate long term monitoring and where ecological conditions indicate management actions are needed. See appendix.
6. Range improvements should be encouraged where appropriate incentive programs and participating financing should be provided.
7. Soil surveys should be consulted in land use planning.

Recreation

White Pine County receives a higher level of recreational use than population levels would indicate. This attractiveness of White Pine County is believed to be due to the abundance of perennial streams, scenic diversity offered by vegetation and land forms, hunting, fishing and wildlife viewing opportunities and easy accessibility to areas of interest. Recreational activities play an important part in the life styles and economy of White Pine County.

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Policies

1. Dispersed recreational opportunities on public lands shall be encouraged and provided. Opportunities for unstructured recreation such as camping, fishing, hunting and off road vehicles in White Pine County on public lands should continue to be made available.
2. Federally managed lands with value for concentrated recreation use (campgrounds, water recreation sites, etc.) should be identified, protected and developed for recreation purposes and adequately maintained. New reservoirs shall be considered where feasible. The county and the Nevada Division of State Parks should be involved in recreational site designation and planning.
3. A county wide recreation plan covering year round activities should be developed with all affected agencies involved. The affected agencies include the federal land management agencies, the Nevada Division of State Parks, and local governments and organized recreation groups. The recreational activities should include, but not be limited to, hunting; camping; off road vehicles; historic sightseeing; trails; fishing; boating; nature viewing; wild horse, wildlife and bird watching; horse back riding; mountain bike riding; rock hounding; rock art viewing; spelunking; pine nut collecting; Christmas tree cutting and winter sports.
4. Public land use planning should analyze the White Pine County area for the feasibility and practicality of a destination ski resort.

Wildlife

White Pine County residents support a diversity of wildlife species. We encourage that recommendations by the White Pine County Advisory Board to Manage Wildlife be followed and action taken upon recommendations proposed by the White Pine County Advisory Board To Manage Wildlife.

Policies

1. Identify habitat needs for wildlife species, such as adequate forage, water, cover, etc. and provide for those needs so as to, in time, attain appropriate population levels compatible with other multiple uses as determined by public involvement.

2. White Pine County supports the 1991 Animal Damage control Environmental Analysis for the Humboldt National Forest and the 1995 Animal Damage Control Plan for the Ely District BLM.
3. White Pine Supports vegetation manipulation to improve wildlife habitat when compatible with other uses.
4. Introductions or reintroduction of big game species should only be supported after careful consideration of a) the species, b) unallocated forage available c) population management d) impacts on local licensed livestock operators and adjacent private land owners and e) after it meets with the approval of all affected parties and a management plan is completed.
5. The Ruby Lake National Wildlife Refuge should be continued to be managed for wildlife and appropriate recreational uses.

Access and Transportation

The public lands in White Pine County should by right be accessible to all. White Pine County has many old access roads and trails, used for many years, but often not perfected by easement or dedication. Growth and increasing demands for natural resources within White Pine County and the nation create a demand for transportation, utilities and communication corridors. Route locations should be planned in harmony with other resources on public lands.

Policies

1. Retain existing access to public lands and provide new means of access where necessary.
2. White Pine County shall adhere to all rights claimed under RS 2477 with respect to roads, trails, ways and byways.

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Culture

White Pine cultural resources and customs include all the prehistoric and historic activities and accomplishments of the people of White Pine County. These cultural resources include, but are not limited to, buildings, structures, caves, rock shelters, trails, roads, objects made or modified by people of the county. Less tangible resources such as dance forms, customary beliefs, material traits of a group, and integrated pattern of human behavior passed to succeeding generations by stories and traditions. White Pine County supports its customs as used or practiced by the people which by common adoption and acquiescence, and long and unvarying habit has become compulsory as a way of life. White Pine County supports its cultural resources of prehistoric and historic significance and where appropriate and feasible will avoid disturbing these resources. White Pine County will protect its significant cultural resources and customs for the benefit of the present and future generations.

Policies

1. It is the intent of White Pine County to participate in planning for appropriate use and protection of cultural resources and develop a county wide Cultural Resources Management Plan which identifies outstanding cultural sites and landscapes.
2. White Pine County promotes educational programs for citizen stewardship of White Pine County cultural resources in a manner that will guarantee the 'thrill of discovery' for future generations.
3. White Pine County supports professionally managed public museum and library repositories and exhibits to the extent financial resources allow, so that tangible artifactual remains and records of folklife and cultural heritage can be preserved locally to the extent feasible, rather than being removed to remote in state or out of state repositories or being controlled by private individuals where the whole citizenry does not have access.
4. The custom and culture associated with American Indian activities in White Pine County is necessary to the livelihood and well being of American Indians. White Pine County supports protection these inherent aboriginal rights.
5. Government agencies shall not obstruct American Indian cultural activities on their respective lands.

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44348**Wilderness**

White Pine County understands the nation's desire for wilderness, but White Pine County favors continued practices of multiple use in a literal sense.

Policies

1. By County Resolutions 81-90, 84-15, 85-39, 87-14 White Pine County dislikes the continued study of wildness study areas,, strongly opposes recommendations by the United States Department of Interior and United States Department of Agriculture, and/or designation by Congress of any wilderness areas in or near White Pine County; and, favors continued practices of multiple use in a literal sense.
2. White Pine County shall lobby Congress to ensure that the best interests of the County are given consideration in any wilderness designation legislation affecting public lands within the County.
3. White Pine County urges Congress to drop the proposed Wilderness Study Areas located in White Pine County.
4. In the event wilderness areas are designated wildlife, fire control, economic impacts, grazing, mineral resources, visitor impacts and management needs should be considered.
5. In the event wilderness areas are designated the enabling legislation should include language which will eliminate any consideration or application of "buffer" area concepts.

Wild Horses

Manage wild horses to minimize detrimental impact of other multiple uses.

Policies

1. Wild horse herds should be managed at appropriate levels to be determined with public involvement and managed with consideration of the needs of wildlife species, livestock grazing and ecological conditions of the herd management area. White Pine County strongly supports collaborative efforts such as the Resource Advisory Council, the White Pine Coordinated Resource Management and Planning process and the Nevada Wild Horse Commission as avenues to solve wild horse issues.

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44348**Forestry**

Forest and forestry products production in White Pine County is necessary to the livelihood and well being of its citizens. Therefore, it is the policy of White Pine County to protect forest resources and promote the continuation of a sustainable forestry products industry by providing economic opportunity, relying on self determination and open market conditions.

Policies

1. White Pine County promotes multiple use of public forest resources to realize sustainable and continuous provisions of timber, forage, firewood, wildlife, fisheries, recreation and water.
2. White Pine County supports the prompt salvage of forest losses due to fire, insect infestation or other events.
3. White Pine County supports the education of both residents and visitors to wide and productive forest uses.
4. White Pine County supports the White Pine County Fire Management Plan using the planning management process in progress.
5. White Pine County supports the management of woodlands/forests by ecological condition for a diversity of vegetative communities. See appendix.

Land Disposition and Acquisitions

Recognizing that land is essential to local industry and residents, it shall be the policy of this County that the design and development of all public land disposals, including land adjustment and exchanges, be carried out to the benefit of the citizens of White Pine County.

Policies

1. Increase opportunities for local economic development by increasing the amount of private land within the County.
2. Public lands that are difficult to manage or which lie in isolated tracts will be targeted for disposal.

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3. The general public, the State of Nevada and local communities shall be notified of, consulted about and otherwise involved in all public land adjustments in White Pine County. White Pine County shall review all proposed changes to see if the proposal is in the County's best interest.
4. White Pine County will review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste.
5. Before public land agencies can change land use, impact studies on uses shall be conducted and mitigation measures adopted in coordination with White Pine County. Impact studies shall, as needed, address community stability, local custom and culture, grazing rights, mining rights, flood lands and access.

The following are criteria for land dispositions or acquisitions which shall be given consideration.

1. Will the land disposition or acquisition have or may have a high level of visibility so that implementation of the project will inspire additional political, practical support to the White Pine County Land Use Plan.
2. Will the project be an effort of substantial pride of accomplishment for White Pine County.
3. Will consideration of the expenditure of funds or values to realize the completion of the project be accepted as wise and understandable in view of the County's interest and purpose.
4. Will the project either balance or not create a substantial imbalance in the geographic diversity of the county's direction and planning.
5. Will the proposed project effect access, historic values, wildlife or domestic livestock movement without reasonable alternatives.
6. Will the transfer of real estate to the responsibility of the tax roles afford a higher priority over any conflicting proposal or suggestion present or future.
7. Will the project incur any unusable risks of liability.

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8. Will the project be supported by the neighboring community when honestly portrayed and presented, be free of problems of maintenance or general operations.

Private Property Rights on Public Lands

Pursuant to the Fifth Amendment to the Constitution of the United States, ~~Government~~ no private property rights, ~~associated~~ with public lands, shall be taken with out just compensation and due process of law ~~being given~~.

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Rangelands are those areas of the world, which by reason of physical limitations... are a source of forage for free-ranging native and domestic animals, as well as a source of wood products, water, and wildlife. [Rangeland Management, by Stoddart, Smith and Box (1975)]

Standard #1.

Rangelands comprising of Native Plant Communities exhibit a 50 percent or better range condition rating with a stable or upward trend where the potential natural community meets planned objectives. Soil loss "T" values, in tons/acre/year are found in the soil survey and regardless of the range condition rating, accelerated erosion should not be occurring.

(accelerated erosion is defined as values greater than the allowable soil loss tolerance determined for a particular soil.)

Guidelines:

The managed species exhibit growth potentials for the site, show no evidence of stress due to management, and are not overly susceptible to drought, disease, or insect damage.

It is recognized there are special cases where a lower condition rating is acceptable in situations where planned objectives are most reasonably attained by managing for lower successional plant communities. For those cases, documentation is required in the case file and information is recorded as a case study.

Standard #2.

Rangelands comprising of Desired Plant Community exhibit the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site. The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or the combination of the two. Soil loss "T" values, in tons/acre/year are found in the soil survey and regardless of the what the Desired Plant Community is, accelerated erosion should not be occurring.

Guidelines:

When grazing practices or lack of grazing alone are not likely to restore range site degeneration, land management treatments should be designed and implemented to meet the minimum quality criteria for the soil, water, air, plant and animal resources that meets the land managers' objective.

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Realize that these standards also apply to riparian areas, soil loss tolerances have been determined for all soils. Thus if you stay within standard one or two you will be adhering to water quality and quantity criteria.

The study of patterns, this is what these two standards allow people interested in landscape to accomplish. A particular soil may have a mosaic of colors and patterns if viewed from above. All have a story,

Standard #1 is a self-perpetuating community in which populations remain stable and exist in balance with each other and the environment; the final stage of a succession or sere. The present state of vegetation and soil protection of an ecological site in relation to the historic climax plant community for this site in relation to the historic climax plant community for the site. Vegetation status is the expression of the relative degree of which the kinds, proportions, and amounts of plants in a community resemble that of the historic climax plant community.

Standard #2 There are cases where it is doubtful that a ecological site will return to the final stage of succession in an reasonable frame of time such as 25 years, such an example would be a winterfat site taken over by halogeton or rabbitbrush on a saline bottom. Natural disturbances are inherent in succession and in some case we may manage for lower successional stages. Collaborative processes use Desired Plant Community extensively to create a landscape that has some of everything meeting or exceeding land use objectives established for an ecological site.

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CITE 43 USC Sec. 1712 01/24/94
EXPCITE TITLE 43 - PUBLIC LANDS
CHAPTER 35 - FEDERAL LAND POLICY AND MANAGEMENT
SUBCHAPTER II - LAND USE PLANNING AND LAND ACQUISITION AND
DISPOSITION

HEAD Sec. 1712. Land use plans

STATUTE (a) Development, maintenance, and revision by Secretary

The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) Coordination of plans for National Forest System lands with Indian land use planning and management programs for purposes of development and revision

In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall -

- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;
- (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;
- (3) give priority to the designation and protection of areas of critical environmental concern;
- (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;
- (5) consider present and potential uses of the public lands;
- (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;
- (7) weigh long-term benefits to the public against short-term benefits;
- (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and
- (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use

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inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended (16 U.S.C. 4601-4 et seq.), and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

- (d) Review and inclusion of classified public lands; review of existing land use plans; modification and termination of classifications

Any classification of public lands or any land use plan in effect on October 21, 1976, is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

- (e) Management decisions for implementation of developed or revised plans

The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

- (1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or

major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 1714 of this title may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318-2352; 30 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 1714 of this title or other

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Town of Pahrump

Past and Present Working Towards a New and Better Future

action pursuant to applicable law: Provided, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) Procedures applicable to formulation of plans and programs for public land management

The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

SOURCE (Pub. L. 94-579, title II, Sec. 202, Oct. 21, 1976, 90 Stat. 2747.)
REFTEXT REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c)(9), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables.

Act of September 3, 1964, as amended, referred to in subsec. (c)(9), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, known as the Land and Water Conservation Fund Act of 1965, which is classified generally to part B (Sec. 4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

The Mining Law of 1872, as amended, referred to in subsec. (e)(3), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended, which was incorporated into the Revised Statutes of 1878 as R.S. Sec. 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of R.S. Sec. 2318-2352, see Tables.

SECRET SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1713, 1732, 1752, 1781, 1783, 1784, 1901, 1903, 1904 of this title; title 16 sections 460uu-43, 460iii, 1333; title 42 section 6508.

June 28, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84112

RE: Roadless Area Conservation

On behalf of concerned citizens, the Pahrump Public Lands Advisory Board and the Pahrump Town Board, we are asking that the comment period for the above referenced be extended sixty (60) days from the current deadline date of July 17, 2000.

Though countless efforts were made to obtain a copy of this proposal, the Public Lands Advisory Board was unable to obtain a copy until May 31, 2000. And in abiding by the Open Meeting Laws, it takes time for the different entities to evaluate this proposal.

Our main areas of concern are the reconstruction of roads, the Tongass National Forest being exempt until the year 2004, ability to fight fires in roadless areas, and seniors and disabled people having access to our natural resources.

We appreciate your consideration of our request.

Sincerely,

Edward Bishop
Edward Bishop
Chairman, Pahrump Town Board

Charles Gronda
Charles Gronda
Clerk, Pahrump Town Board

cc: Town Board
Public Lands Advisory Board

CAET RECEIVED
JUL 10 2000

FROM : Town of Pahrump

PHONE NO. : 702-727-0345

Jul. 17 2000 01:56PM P1

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Town of Pahrump

July 17, 2000

Past and Present Working Towards a New and Better Future

USDA Forest Service - CAET
 Attention: Roadless Areas Proposed Rule
 P.O. Box 221090
 Salt Lake City, Utah 84112

RE: Roadless Area Conservation

The Pahrump Town Board along with our Public Lands Advisory Board opposes the roadless proposal.

The vast majority of the State of Nevada is public land. Nye County has well over a million acres of planned roadless area. This plan would not only affect the livelihood of many, but also recreational opportunities of others.

Natural resources are a product of our environment. If the production of fuel and minerals in the United States is limited more than it is today, the consumer will still acquire the necessary raw materials at a greater cost from imports.

With the event of no roads, will this impede our ability to fight the wild land fires?

The outdoors and the natural environment are essential for the education of our youth. The wonder that a child from the city experiences cannot be measured. It is a whole new world for them to explore.

How will older citizens and the disabled enjoy nature first hand? How does the ADA fit into this proposal?

We request that this proposal be reconsidered as there are many areas of concern that need to be addressed. Take no action.

Sincerely,

Ed Bishop
 Ed Bishop
 Chairman
 Pahrump Town Board

Charles Gronda
 Charles Gronda
 Clerk
 Pahrump Town Board

cc: Town Board
 Public Lands Advisory Board

400 N. HIGHWAY 160 PAHRUMP NEVADA 89048 (775) 727-5107 FAX: (775) 727-0345

06/27/00 TUE 11:13 FAX



JUDD GREGG
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

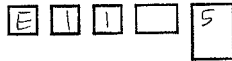
COMMITTEES:

BUDGET

APPROPRIATIONS

HEALTH, EDUCATION, LABOR
AND PENSIONS

GOVERNMENTAL AFFAIRS



United States Senate

WASHINGTON, DC 20510-2904
(202) 224-3324

PRESERVE THE NEW HAMPSHIRE WAY

by

U.S. Senator Judd Gregg (R-NH)

Member, Senate Appropriations' Subcommittee on the Interior

With the stroke of a pen, the tradition of citizen involvement in managing the White Mountain National Forest was swept aside by the Clinton/Gore Administration's roadless area proposal. Never before in the history of the White Mountain Forest has a decision of this magnitude been generated in Washington rather than at the local level.

Since 1952, the citizens of New Hampshire have managed the forest through participation and consensus-building, and without rancor. This inclusive process involves literally dozens of groups and thousands of concerned citizens from environmental groups, local towns and counties, local chambers of commerce, timberland owners, recreational groups, and others. The Clinton/Gore Administration turns this history on its head by deciding for the people of New Hampshire how the forest will be managed.

Just as problematic is that fact that the Clinton/Gore proposal preempts the forest plan revision process that had been underway in New Hampshire for nearly two years. Despite a nationwide moratorium on forest planning, I secured an exemption in 1998 for the White Mountains to go forward with their own forest management plan, as well as \$500,000 to support it, knowing that the result would be a product all of us could respect. Just as process was about to formally commence, the Clinton Administration imposed their view of what the outcome should be, leading some of us to believe that this unilateral action was designed to prevent any other possible outcome. Unlike the Clinton Administration, I would have exempted forests which had begun a forest revision plan and allowed the local process to move forward.

As the New Hampshire General Court stated in the bipartisan resolution it adopted (H.C.R. 25) in January 2000, the Clinton/Gore roadless proposal should be rejected because it infringes on the rights the people of New Hampshire have in managing certain lands within their borders. Restoring the right of New Hampshire's people to determine how certain lands within its borders will be used led me to offer an amendment exempting the White Mountains from the roadless proposal. I strongly believe that the citizens of New Hampshire should control their own destiny and not take a back seat to the national environmental agenda of the Clinton/Gore administration or outside environmental groups, whose ultimate goal is to shut down the forest to any commercial activity.

Portsmouth 001

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OFFICES:

125 N. MAIN STREET
CONCORD, NH 03301
(603) 225-7115

28 WEBSTER STREET
MANCHESTER, NH 03104
(603) 622-7979

3 GLEN AVENUE
BERLIN, NH 03570
(603) 752-2604

99 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431-2171

00 TUE 11:14 FAX

Portsmouth

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The White Mountain Forest covers over 785,000 acres in New Hampshire and Maine. It encompasses 12 percent of New Hampshire's land base. In 1952, the forest became the first national forest to form a citizens advisory committee. This group brokered the 1984 New Hampshire Wilderness Act, which I supported and by which Congress and President Reagan permanently set aside 77,000 acres in Wilderness designation. I also strongly supported the 1986 forest management plan which allocated over 56 percent of the forest to unmanaged forest reserve and backcountry recreation. In 1990, I supported the Maine Wilderness Act, which established the Caribou-Speckled Wilderness Area in the Maine portion of the Forest.

By issuing a top-down order that ignores the situation each national forest finds itself in, the President calls into question the entire notion of citizen participation in forest planning. My constituents have rightly asked "If the President can ignore us on this decision, why should we believe that any other decision in the forest plan is safe?"

New Hampshire's long tradition of consensus building on issues related to forest management was even recognized by Vice President Gore, who said during a New Hampshire primary debate on January 5, "... there is an ongoing consultative process that has been extremely effective in protecting the environment and in protecting the welfare and well-being of the communities and the families that live adjacent to the White Mountain Forest. Now if areas of that forest are protected under the new order, the same process of consultation that has been used in the past, that gives individuals and communities input into the process, will be a part of this process." (Excerpted from Democratic Party Presidential Primary Debate, Durham, NH, 01/05/2000.)

Then, just five months later, as he accepted the endorsement of a liberal environmental group, the Vice President did an about face, stating, "If I am entrusted with the presidency, it will be a national priority to preserve these roadless areas as they are, no ifs, ands, or buts, about it ... And just so I'm crystal clear about it, no new road building and timber sales in the roadless areas of our national forests. Period." (As reported by James Dao, The New York Times, May 31, 2000.)

Some critics of my efforts maintain that the public hearings currently underway give the people their day in court. The problem with that argument is that the Clinton/Gore Administration has played judge and jury in this case and the outcome has already been decided. I wholeheartedly support the public hearing process, but given this Administration's disregard for local opinion, I do not believe the Administration will significantly alter its roadless proposal.

What we need to do is respect the forest plan management revision effort that was initiated two years ago and empower local citizens by making their voice heard. This would allow the citizens that best know the forest and have the greatest stake in its management to help decide how lands are used and what areas should be set-aside as "roadless areas." It would go a long way toward restoring public trust in the forest planning process and honoring the New Hampshire way of doing things.

CAET RECEIVED
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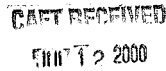
BOB SMITH
NEW HAMPSHIRE
opinion@smith.senate.gov
http://www.senate.gov/~smith/

United States Senate
WASHINGTON, DC 20510-2903



June 27, 2000

Mr. Michael Dombeck, Chief
U.S. Forest Service
USDA Forest Service, CAET
ATTN: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122



Dear Chief Dombeck:

I represent constituencies associated with the White Mountain National Forest (WMNF) and have strong reservations with regard to the Forest Service roadless areas proposal.

As I have stated in past letters, I am deeply concerned about this directive that would permanently remove millions of acres from publicly-developed forest management plans (FMP), and based upon alternative number 2, would remove up to 119,000 acres from the WMNFs current plan.

I believe that mandating a blanket roads policy on National Forests will serve to undermine the cooperative dialogue that takes place during each forest's revision plan, and diminish the important role that these plans play in our National Forests.

As Congress has mandated, the WMNF is currently in the process of developing it's next Forest Management Plan (FMP) and recently filed its Notice of Intent (NOI). The staff at the WMNF has been holding meetings all across New Hampshire and New England to receive input on how the people want their forest to be managed. This process has worked well at striking a balance between the various interests for logging, recreation, and conservation.

I believe strongly in this public input process and am discouraged by the Clinton Administration's attempt to unilaterally impose their Washington-knows-best mentality on how our public lands in New Hampshire should be managed. Therefore, I reject any alternative that would permanently remove acres from the public developed FMPs.

Sincerely,

Bob Smith, U.S.S.

DINKSEN BUILDING
SUITE 307
WASHINGTON, DC 20510-2903
(202) 224-2841
(202) 224-1353 (FAX)

1750 ELM STREET
SUITE 100
MANCHESTER, NH 03104
(603) 634-5000
(603) 922-2730

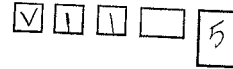
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CHAIRMAN,
ENVIRONMENT AND PUBLIC WORKS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE JUDICIARY
SELECT COMMITTEE ON ETHICS



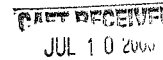
JEANNE SHAHEEN
GOVERNOR

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR



June 26, 2000

USDA Forest Service-CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake city, UT 84122



Dear U.S. Forest Service:

I am writing to comment on the Roadless Area Proposed Rule and the Draft Environmental Impact Statement (DEIS) published in May.

I remain deeply concerned about this proposal. As I said in my comments on the Notice of Intent (NOI) last December, historically forest management decisions and revisions of land allocations have occurred through the Forest Plan Revision process. In our White Mountain National Forest (WMNF), this process has worked successfully over the years to balance the many uses and values of the WMNF. I believe our WMNF is a model for sustainable forestry practices that accommodate multiple uses of the Forest, including timber harvesting, many forms of recreation, and the protection of wildlife habitat.

In the absence of the so-called "roadless initiative" announced by the President, proposals to expand roadless areas in the WMNF would have been presented and evaluated as part of the public discussion about revisions to our WMNF management plan. I am not opposed to the addition of roadless areas to the WMNF, but believe the discussion and analysis of such forest management issues should occur in the context of the Forest Plan Revision process, where those most familiar with and impacted by what happens on our WMNF are the leading voices. Instead, the WMNF roadless discussion is now embroiled in a national debate, where the polarization of interests is exacerbated by the politicized nature of a presidential initiative.

While I am pleased to note that the proposed rule and DEIS go some distance in returning this discussion to the arena where it belongs, it is crucial that the Forest Plan Revision process remain the primary forum for determining how the WMNF should be managed in the future. The Forest Planning Revision process must retain maximum flexibility to address the needs and concerns of those most engaged at the local level with our national forests.

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New Hampshire Fish and Game Department

2 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Web site: <http://www.wildlife.state.nh.us>

TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-1438
E-mail: info@wildlife.state.nh.us

Wayne E. Vetter
Executive Director



July 11, 2000

USDA Forest Service-CAET
Page 2

For these reasons, I remain opposed to the proposed rule and urge you leave forest-planning and decision-making at the local level as part of the Forest Plan Revision process.

Thank you for your consideration.

Very truly yours,

Jeanne Shaheen

cc: Vice President Al Gore

George Frampton, Acting Director
Council on Environmental Quality

George Bald, Commissioner
NH Department of Resources and Economic Development

Wayne Vetter, Director
NH Department of Fish & Game

USDA Forest Service-CAET
Attention: Roadless Area Conservation Proposed Rule
Post Office Box 221090
Salt Lake City, Utah 84122

DATE RECEIVED
JUL 17 2000

Dear Forest Service:

The New Hampshire Fish and Game Department submits the following written comments regarding the Draft Environmental Impact Statement on the Forest Service Roadless Area Conservation Proposed Rule. Our comments pertain specifically to the White Mountain National Forest, the majority of which is in New Hampshire. The comments are also consistent with the position taken by the NH Fish and Game Commission at their meeting on December 15, 1999, to oppose additional restrictions on timber management and public access on the White Mountain National Forest.

The New Hampshire Fish and Game Department recommends the selection of Alternative 1, the No Action Alternative. This alternative provides the greatest flexibility for local national forest managers to design and implement projects consistent with approved Forest Plans, which are developed to address ecological, social and economic concerns in identified local and regional contexts. In addition, project level planning requires an environmental assessment that includes public input. For these reasons, we feel Alternative 1 provides the greatest opportunity for public involvement in decision making at the local level. We believe a high level of local public involvement has been and should continue to be a critical element in the Forest Service planning process here in New England.

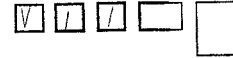
Under the Procedural Alternatives, the New Hampshire Fish and Game Department recommends Alternative B, your proposed action and preferred alternative. This alternative allows the local managers the flexibility to incorporate an evaluation of roadless areas into the Forest Plan Revision process. This again provides for a high level of

Conserving New Hampshire's wildlife and their habitats since 1865.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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participation and decision making by those who have the greatest understanding of local situations and greatest investment in the outcome of Forest planning.

Alternatives 1 and B also allow for timber management in areas under various roadless designations. The continuation of timber harvesting is a critical component in attaining the distribution of vegetative communities and forest age classes upon which our native wildlife populations depend. Well-planned timber harvesting is a tool to sustain and enhance biodiversity in New Hampshire.

We have attached our December 17, 1999 comments on the Roadless Area NOI for further clarification.

Sincerely,

Wayne E. Vetter
Wayne E. Vetter
Executive Director

Cc: Senator Judd Gregg
Senator Robert C. Smith
Congressman John E. Sununu
Congressman Charles Bass
Governor Jeanne Shaheen
Donna Hepp, Forest Supervisor, WMNF

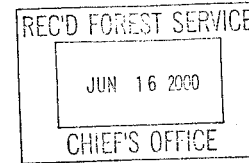


The Senate of the State of New Hampshire

107 N. Main Street, Room 302, Concord, N.H. 03301-4951

KATHERINE WELLS WHEELER
Vice President - Operations
District 21

Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090



CAET RECEIVED

JUN '2 2 2000

June 13, 2000

Office 271-2111

TTY/TDD
1-800-735-2964

JUN 21 RECD

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of New Hampshire, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National forest provides places to live for many different types of wildlife ranging from black bear to moose, from spotted salamander to over 180 species of birds. Protecting them protects our history and ensures a vibrant future.

Received in FS/CCU

Initial: *RA*

Control No: *4155771*



The Senate of the State of New Hampshire

107 N. Main Street, Room 302, Concord, N.H. 03301-4951

KATHERINE WELLS WHEELER
Vice President - Operations
District 21

Office 271-2111

TTY/TDD
1-800-735-2964

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

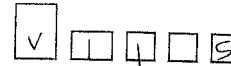
I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Senator Katherine Wells Wheeler

cc: Senator Judd Gregg

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RECEIVED

JUL 1 11 2000
CHIEF'S OFFICE

Chief, U.S. Forest Service
P.O. Box 96090
Washington, D.C. 20090

Dear Mr. Dombeck:

As a State Representative, I am writing to you in support of a Forest Service policy to protect roadless areas in our national forests. I understand you are presently holding hearings around the country to measure public attitudes toward this policy and that there will be a hearing in Concord, N.H. on June 26.

I represent two small towns in the Monadnock region of this state. My constituents place a very high value on the existence of unspoiled wild areas for recreation and a refuge from the deadly pressures of modern life. Many of them have chosen to live in this area for its natural beauty and healthy environment. They tend to be very politically active in environmental matters and they are concerned about the ongoing destruction in our remaining forest wilderness.

Many of my constituents are disturbed by the continued road building, logging and mining in our national forests. They do not want the public's natural treasure exploited destructively for private gain. We want our patrimony protected for our children and grandchildren. We expect the Forest Service to protect such public assets as the White Mountain National Forest for the common good. The establishment of more roadless areas, like the Pemigewasset Roadless Area, is in the public's best interest.

I do not need to repeat to you the many arguments in favor of this policy, such as the preservation of wildlife habitat, protection of aquifers and clean water, and the economic benefits of tourism, hunting, camping which go with preserving roadless wild areas.

I urge the Forest Service to protect all roadless areas of 1000 acres and larger in all the national forests. Keep such areas free from logging, mining, commodity development and other destructive practices.

Sincerely yours,

James C. Curran
State Representative
Hillsborough District 9

Received in FS/CCU
Initial: RA
Control No: 4156701

cc: Senator Gregg

TDD Access: Relay NH 1-800-735-2964

STATE OF NEW HAMPSHIRE
HOUSE OF REPRESENTATIVES, CONCORD

Representative Arthur Pelletier
94 Back River Rd.
Dover, NH 03820 742-1802

June 13, 2000

Mr. Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As an elected official of NH, I feel it is crucial to maintain undamaged and pristine wild areas.

NH citizens place a high premium on these wild areas as places of recreation and spiritual renewal, and millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National forest provides places to live for many different types of wildlife. Protecting them protects our history and ensures a vibrant future.

Roadless areas also help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. For the year 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will better serve the public than using them for extractive purposes.

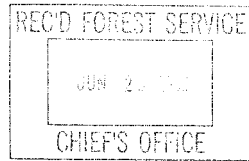
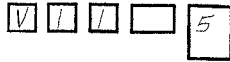
I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. Such a strong policy will best serve the public interest.

Sincerely,



State Representative, District 12

Cc: Senator Judd Gregg

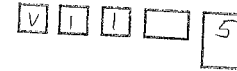


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JUN 22 2000



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Jim Splaine
201 Oriental Gardens
Portsmouth, NH 03801
Telephone & FAX: (603) 436-0718
E-Mail: JimSplaine@aol.com

NH State Representative
Portsmouth & Newington
Rockingham #34

Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

Dear Chief Dombeck,

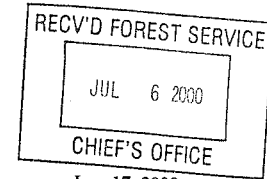
First, please allow me to put a little personal perspective as to why I am writing to you. I am a lifelong resident of New Hampshire, and when I was 15 I made my very first visit to the New Hampshire White Mountains National Forest. For most of my life until then I had lived in Portsmouth, a small coastal city but a city nevertheless. I had traveled to Boston a few times in "shopping events" with my parents, but other than those trips, I had not explored much of this world of ours.

I was awestruck when I first saw those mountains. The vastness of forests as far as the eye could see was immediately appealing to me. The next year I spent my first nights camping and hiking in those forests, and eventually I would hike the Presidentials, climb Mt. Washington more than a dozen times, and stay in many of the campgrounds, both private and public. To this day I enjoy every opportunity I have to visit the national forests of our state.

I am a member of the NH Legislature, representing Portsmouth and Newington in the House of Representatives. I had been in the House and Senate for a total of 20 years, in terms dating back to 1969. During that time I have seen considerable destruction of many parts of our state due to both planned and unplanned development.

Today, I am writing to strongly ask you to adopt a policy to protect roadless areas in our national forest. The more roads we build, the more logging and mining we do, and the more residential and business construction we undertake - - here in New Hampshire as well as in any of our national forests - - remove trees, vegetation, and wildlife habitats that may never be replaced or repaired.

The Pemigewasset Area of the White Mountain National Forest is a particular favorite of mine. During the course of the past nearly forty years, I have probably visited that area 30 times, spending many relaxing days and nights in the area, and seeing many types of wildlife. We need to protect that area, and all of our remaining forests.



June 17, 2000

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You know the many arguments in favor of protecting our national forests. We need the forests for those things important for our own existence, such as production and cleaning of the air we breath, purification of the water we drink, and maintaining the balance of the wildlife that shares this planet with us. In addition, the national forests allow us as human beings a place where we can "get away from it all." From my own perspective as I told you when I opened this letter, I hope that other young boys and girls who grow up will be able to have the same kind of experience I had so long ago: the awe of seeing untouched national forests that go on, and on, and on.

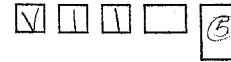
Please protect these areas with a roadless areas protection policy that will stop encroaching development, logging, and business exploitation. Our prosperity depends on much more than just the tangible things. My own vision of the future is one where the best of our past is protected and preserved forever.

Respectfully,

Jim Splaine
Jim Splaine
NH State Representative
Portsmouth & Newington
Rockingham #34

- cc. Senator Judd Gregg
- cc. Senator Bob Smith
- cc. Congressperson John Sununu
- cc. Congressperson Charlie Bass

Charles Vaughn



yes

16983

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of New Hampshire, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National Forest provides places to live for many different types of wildlife ranging from black bear to moose, from spotted salamander to over 180 species of birds. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Charles Vaughn
State Representative, New Hampshire General Court

cc: Senator Judd Gregg

CAET RECEIVED
JUN 03 2000

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Charles Vaughn



DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO

Box 30005, Dept. 3189
Las Cruces, New Mexico 88003-8005
Telephone (505) 646-3007

Gary Johnson
Governor

Frank A. DuBois
Secretary

July 11, 2000



USDA Forest Service, CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

RECEIVED
JUN 17 2000

Dear Sir or Madame:

The following comments address the U.S. Forest Service's (FS) Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

Wilderness

In table 2-2 under Impacts to Designated or Potential Wilderness for the preferred alternative the following information is provided:

Maintaining inventoried roadless areas would sustain a low level of threat to wilderness values and protect land between Wilderness areas and developed land. Opportunities for recreation that require remote characteristics, but are of a less restrictive nature than wilderness, would be maintained.

The quote above implies inventoried roadless areas will provide a buffer between developed land and Wilderness. This is a violation of FS policy, Forest Service Manual (FSM) 2320.3 states:

Because wilderness does not exist in a vacuum, consider activities on both sides of wilderness boundaries during planning and articulate management goals and the blending of diverse resources in forest plans. **Do not maintain buffer strips of undeveloped wildland to provide an informal extension of wilderness.** Do not maintain internal buffer zones that degrade wilderness values. Use the recreation opportunity spectrum (FSM 2310) as a tool to plan adjacent land management. [emphasis added]

FSM 2320.3 could also be violated by creating an informal extension of wilderness, if inventoried roadless and other unroaded areas are managed ". . . to sustain their roadless characteristics, they are still the reservoir for future designated wilderness areas." Wilderness area management is more restrictive in the type of activities allowed. The New Mexico Department of Agriculture

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Roadless Area Conservation
July 11, 2000
Page 2

(NMDA) believes if inventoried roadless areas are managed to promote wilderness characteristics there will be further restrictions placed on livestock permittees and leasees of public land.

Litigation

The amount of litigation should not be used to justify this rule. NMDA requests the FS provide the citations for the volumes of appeals and litigation referenced in the following statement:

(1-4) "These inventoried roadless and other unroaded areas are currently managed using the forest planning process. On many national forests and grasslands, roadless area management was the single largest point of conflict in the adoption of land and resource management plans (also referred to as forest plans). Controversy continues today accompanying virtually every proposal to harvest timber and build roads in roadless areas. The volume of appeals and litigation over the last 20 years illustrates the importance that many Americans attach to these remaining unroaded lands."

NMDA believes litigation should never replace science based natural resource management. Many times litigation is filed by a few not-for-profit, special interest groups.

Amount of Miles Prohibited

The following statements found throughout the DEIS substantiate the premise that this rule serves no purpose.

(3-12) "Of the 54.3 million inventoried roadless acres considered in this DEIS, approximately 20.5 million acres would remain roadless (except for valid existing rights, etc.) because their existing forest plan prohibits road construction . . . Of the 33.8 million acres, 2.8 million acres have already been roaded over the past 20 years. If this trend continues, it would likely be at the same rate or less than what has taken place in these areas over the past 20 years (less than 0.5 percent per year)." In the future "this rate of development is likely to be even less."

The above statement indicates that 38 percent of the inventoried roadless area acres are already covered by forest plans that prohibit road construction. The other 62 percent is expected to be roaded at a rate of less than 0.5 percent per year.

In the DEIS it is difficult to decipher the estimated miles of road to be constructed or reconstructed over the next five years. The following quotes in the Effects of Prohibition Alternatives, under Alternative 1 - No Action, are found two paragraphs apart:

Roadless Area Conservation
July 11, 2000
Page 3

(3-16) Approximately 300 miles of road construction and reconstruction is planned in inventoried roadless areas over the next 5 years.

(3-17) It is estimated that approximately 1,444 miles of permanent and temporary roads will be constructed or reconstructed in inventoried roadless areas over the next 5 years."

The 300 miles in the first quote amounts to 60 miles of road construction and reconstruction per year. In the second quote the 1,444 miles indicates 644 miles are to be constructed or reconstructed in Alaska over the next five years. The remaining 800 miles, or 160 miles per year would be constructed outside of Alaska.

In Chapter 3, Fire Suppression, the 800 miles of road construction and reconstruction in inventoried roadless areas appear to be confirmed by the following passage:

(3-156) The road prohibition would affect approximately 800 miles of road outside of Alaska within a land area that encompasses nearly 34 million acres.

If the 800 miles is correct, only 160 miles per year will be constructed in 34 million acres. This 160 miles per year of road will be constructed in an area approximately the size of Wisconsin.

To add to the confusion, Chapter 3, Road Construction, declares:

(3-198) Of the 638 miles of roads planned for non-timber projects, up to 270 miles may be prohibited by Alternatives 2 through 4. The remaining 368 miles would not be prohibited because of valid existing rights.

Using the miles of road in the above passage, only 270 miles of road construction and reconstruction would be prohibited. It is not clear over what period of time the 638 miles of road is projected to be constructed. NMDA requests clarification of this passage by providing a projected time period. Furthermore, NMDA requests the actual estimated number of miles to be constructed or reconstructed in inventoried roadless areas be provided nationally, by region, and by forest. Regardless of the clarification, NMDA believes this proposed rule and DEIS are a waste of time and money based on the insignificant amount of road construction that will be prohibited. As such, NMDA requests this proposed rule be withdrawn, and the money that would have been spent continuing this process be used to reduce the road maintenance backlog.

Population Density

As the population and the demand for recreation continues to increase in New Mexico, the potential for conflict between recreationists and livestock permittees will also increase.

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Roadless Area Conservation
July 11, 2000
Page 4

(3-127) "Historically dispersed recreation followed roads built for timber or fire prevention. As use became heavy and demand for amenities increased, some areas became suitable for developed sites. This resulted in wide dispersion of small to medium sized developed sites. This option will no longer be available in inventoried roadless areas. All future increased developed recreation demand will be met and concentrated in areas already available for development." This prohibition will effectively concentrate more recreationists in a smaller area, and increase the potential for conflict. As such, NMDA requests the FS withdraw this proposed rule or provide measures, in an amended DEIS, that will serve to mitigate the potential conflict between recreationists and livestock permittees.

The recreation pressure will also increase on private land that serves as base property for livestock grazing permits. There will be conflict between the private landowners, ranchers, and the public who assume they have the right to recreate anywhere in a national forest. NMDA requests the FS withdraw this proposed rule or prepare an amended DEIS that addresses measures to mitigate the conflict between private land inholdings and recreationists.

Range Condition

NMDA requests the FS provide citations that substantiate the statement that a prohibition on road construction and reconstruction in inventoried roadless areas "... would have a positive effect on range condition by reducing the potential for introducing non-native invasive species."

Fuel Reduction

NMDA is concerned the prohibitions on road construction and reconstruction in inventoried roadless areas could potentially have a negative impact on rural citizens and their communities. This potential impact would result from an inability to reduce fuel loads in inventoried roadless areas classified as having a moderate to high risk of catastrophic fire. In addition to prohibiting access, the proposed rule will substantially increase the cost of fuel reduction. In New Mexico, 1,122,000 acres (74 percent) of the inventoried roadless areas are in the moderate to high risk categories. If these areas at moderate to high risk for catastrophic fire are not treated, NMDA believes there is a potential for the loss of livestock and human life. A catastrophic fire would consume the forage required to sustain permitted livestock. The permittee would have to lease alternative pastureland to provide forage or sell his surviving livestock. To avert catastrophic fire, fire prevention through fuel reduction should be given a high priority. When moderate and high fuel loads are reduced, and fire is reintroduced into the National Forest System, less money will be needed for fire suppression.

Region 3 also deviates from the national trend in the size of fires that occur in inventoried roadless areas. (3-157) "Specific analysis of the fire occurrence data indicates that larger fires occur in inventoried roadless areas in ... Region 3 (Arizona and New Mexico)." The reason

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Roadless Area Conservation
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provided in the DEIS for the occurrence of larger fires in Region 3 was due to classifying fires in inventoried roadless areas as low priority. This reason conflicts with the data presented in table 3-34 indicating that in Region 3 there is little difference between fire size outside inventoried roadless areas (6,417 acres) and inside inventoried roadless areas (5,174 acres). Table 3-34 also indicates the size of human caused fires inside inventoried roadless areas (11,333 acres) are almost twice the size of human caused fires outside inventoried roadless areas (6,692 acres). With the strict application of FS policy to extinguishing human caused fire more quickly, human caused fires should consume smaller acreage. When only a small amount (3 percent) of fires in Region 3 occur in inventoried roadless areas and human caused fires are almost twice the size, there appears to be other factors influencing the fire size. NMDA asserts that with 74 percent of the inventoried roadless areas potentially needing fuel reduction treatments, and the larger fire size, this prohibition will have a negative impact on rural livestock producers and their communities.

If this rule is enacted, NMDA requests the rule be changed in the following manner. In § 294.12 (b) a provision that will allow road construction in inventoried roadless areas for fuel reduction when there is a moderate to high risk for catastrophic fire.

Proposed Rule

This proposed rule contradicts the proposed policy in FSM 7703.1, "Make road construction and reconstruction decisions locally, with public involvement and based on thorough analysis considering the latest scientific information on the adverse effects of roads on ecosystems." NMDA believes road construction and reconstruction decisions, in any part of a National Forest System that is not a designated wilderness, should be made at the forest level. As such, the proposed rule should be withdrawn to continue to allow inventoried roadless area decisions to be made at the forest level.


NMDA believes road construction and reconstruction in inventoried roadless areas should be addressed at the forest level. A general prohibition on road building in inventoried roadless areas is a one shoe fits all approach to management. Enactment of this rule will remove one of the tools land managers are able to employ when managing national forests using adaptive management. Furthermore, the DEIS does not adequately address the impact of this prohibition on the livestock permittees and leases and local communities in and around national forests. The DEIS should conform to the Council on Environmental Quality National Environmental Policy Act regulations, which require comprehensive, detailed analyses of the listed factors (ecological, aesthetic, historic, cultural, economic, social, and health), and should not only identify the economic impacts (direct, indirect, and cumulative), of all the alternatives, but it should also quantify these impacts.

In addition to the impacts to permittees and local communities, this rule will only affect as much as 160 miles, or as little as 60 miles, per year in inventoried roadless areas. Based on the

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information presented in this letter, NMDA requests the rule be withdrawn and an amended DEIS be prepared and submitted for further public review that addresses the issues presented herein. As stated by all the stakeholders present for a planning meeting for the Burro Mountains in southern New Mexico, "the Burro Mountains need to be managed for multiple use." In other words, access needs to be provided for all activities in the National Forest System. As such, NMDA requests the FS base national forest management decisions on a rigorous analysis of multiple use needs.

Sincerely,



Frank A. DuBois

FAD/rjw/gad

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GOVERNOR
Gary E. JohnsonDIRECTOR AND SECRETARY
TO THE COMMISSION
Gerald A. MaracchiniSTATE OF NEW MEXICO
DEPARTMENT OF GAME & FISHVillagra Building
P.O. Box 23112
Santa Fe, NM 87504Visit our Web Site home page at <http://www.gmf.state.nm.us>
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USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122Re: Forest Service Roadless Area Conservation Draft Environmental Impact Statement.
NMGF Doc. No. 7094

Dear Sirs:

The New Mexico Department of Game and Fish has reviewed the U.S. Forest Service (USFS) Roadless Area Conservation Draft Environmental Impact Statement (DEIS). The USFS is proposing to prohibit road construction within inventoried roadless areas (IRAs) within National Forest System (NFS) lands, unless roads are needed in these areas for public health and safety, reserved or outstanding rights, or other specified reasons.

ALTERNATIVES

Alternative 1: No Action; no roading prohibitions in inventoried roadless areas (IRAs) other than those currently existing in Forest Plans.

Alternative 2 (Proposed Action and Preferred Alternative): Prohibit road construction and reconstruction within unroaded portions of IRAs. This alternative would still allow timber harvest.

Alternative 3: Prohibit road construction, reconstruction, and all timber harvest except for stewardship purposes within unroaded portions of IRAs.

Alternative 4: Prohibit road construction, reconstruction, and all timber harvest within unroaded portions of IRAs.

BACKGROUND

Using the 1979 Roadless Area Review and Evaluation (RARE II) inventory, the USFS has identified 54.3 million acres of IRAs in the United States. Road building is currently not allowed in 20.5 million of these 54.3 million acres. Road building is allowed in the remaining 33.8 million acres of IRAs affected by this initiative. Within the total 54.3 million acres of IRAs, an estimated 2.8 million acres have been roaded since they were inventoried. These portions of IRAs that have been roaded since they were inventoried are not proposed for roadless protection under this initiative.

There are 2,832 IRAs in the U.S., comprising 28% of all NFS lands, and representing approximately 2% of the total land base of the United States. Although the majority of these are

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greater than 5,000 acres in size, 20% are smaller. These smaller areas are generally the remaining portions of larger RARE II areas that were not designated as Wilderness, or parcels identified under a different set of criteria mandated by the Eastern Wilderness Act of 1975.

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Without instituting the roading prohibitions proposed by this initiative, the USFS estimates that approximately 1,444 miles of roads would be constructed in IRAs over the next five years. An estimated 2.8 million acres have been roaded and developed to varying degrees during the past 20 years in areas where current land use allows road construction. Should an action alternative not be implemented, the USFS estimates that road construction and timber harvest in IRAs would continue at a rate similar to that experienced over the past 20 years. At this rate, about 5-10% of current IRAs, or 3 to 6 million acres, may have new roads within the next 20 years (p. 3-9).

Several standard exemptions to the road prohibitions would apply equally to all of the action alternatives. The proposed rule states that the responsible official may authorize road construction or reconstruction in any inventoried roadless area when the following criteria are met:

- 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 the loss of life or property;
- A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or to conduct a natural resource restoration action under CERCLA, section 311 of the Clean Water Act, or the Oil Pollution Act;
- A road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty; or
- Road realignment is 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.

Page 3-23 states that the implementation of Alternative 2 or Alternative 3, which allow timber harvest for stewardship reasons, would enable managers to use mechanical thinning, prescribed fire, or other means to treat insect and disease outbreaks and reduce the risk of catastrophic wildfire. Implementation of Alternative 3 would completely prohibit timber harvest, and would limit managers' options for fuel treatments in high-risk areas.

The DEIS abstract states that the proposed action would prohibit road construction and reconstruction in inventoried roadless areas. Based on the language defining the action alternatives, however, we assume this is a misstatement, and should read "...prohibit road construction and reconstruction in unroaded portions of inventoried roadless areas..." to be consistent with the language of the action alternatives and the intent of this initiative. Page S-6 defines three different types of roadless areas:

1. **Inventoried roadless areas.** These areas were identified using various forest planning and assessment processes including the 1979 Roadless Area Review and Evaluation (RARE) inventories. The criteria used for RARE I and RARE II allowed the presence of roads in areas that would later be considered for Wilderness designation under some circumstances (Forest Service Handbook 1909.12,7). Therefore, some "inventoried roadless areas" contain these pre-inventory roads.

This potential preexistence of roads within IRAs explains the statements in the abstract and elsewhere in the DEIS that the proposed action (and the other action alternatives) would "...prohibit road construction and reconstruction within unroaded portions of inventoried roadless

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areas...". This statement appears to be a direct contradiction to a roadless condition, which would not allow for "reconstruction" of a road.

2. **Unroaded portions of inventoried roadless areas.** After the inventories were completed, some IRAs were managed using prescriptions that allowed road construction. While many inventoried roadless areas remain "roadless", others have been roaded to varying degrees. The prohibitions and procedures would apply only to those portions of IRAs that have not been roaded since the area was inventoried.
3. **Unroaded areas.** Unroaded areas are those without the presence of **classified roads** (emphasis ours), which are of a size and configuration sufficient to protect the inherent characteristics associated with their unroaded condition. These areas have not been inventoried.

The definition for "Road" in the glossary of the DEIS defines "Classified Roads" as "roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads (36 CFR 212.1). "Unclassified Roads" are defined as "roads not intended to be part of, and not managed as part of, the forest transportation system such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways (36 CFR 212.1)." The fact that "unroaded" is synonymous with "no classified roads", and that there is a potential for unclassified roads to occur in "inventoried roadless areas", "unroaded portions of inventoried roadless areas", and "unroaded areas" is unclear in the DEIS, and needs clarification and emphasis throughout the document.

Another major contradiction occurs on page S-1, which states that no roads or trails would be closed because of these prohibitions. This statement should be changed to state that no "classified" roads would be closed because of these prohibitions.

POTENTIALLY AFFECTED FOREST LANDS IN NEW MEXICO

New Mexico contains approximately 1.5 million acres of IRAs, which consists of 351,000 acres of IRA lands that are not currently protected from additional roading, and slightly more than one million acres of IRA lands that are currently protected from additional roading by existing Forest Plans. The table below identifies 1) IRA acreage in New Mexico by Forest that is not currently protected from additional roading; and 2) IRA in New Mexico by Forest that is protected from additional roading by current Forest Plans.

FOREST	IRA CURRENTLY NOT PROTECTED	IRA CURRENTLY PROTECTED
CARSON	4,000 ACRES	17,000 ACRES
CIBOLA	86,000 ACRES	261,000 ACRES
GILIA	49,000 ACRES	635,000 ACRES
LINCOLN	158,000 ACRES	0 ACRES
SANTA FE	54,000 ACRES	238,000 ACRES

Total IRA lands in New Mexico represent 16% of all NFS lands in New Mexico, and 19% of all non-designated lands in New Mexico. Non-designated lands include designated wilderness, wilderness study areas, wild and scenic rivers, and other special designations. IRAs in New Mexico with prescriptions that currently allow roading that would be protected under this initiative represents 3.7% of all NFS lands in New Mexico, and 4.4% of all non-designated NFS lands in New Mexico.

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The most recent information the Department has regarding road mileages on National Forests in New Mexico is from the late-1980s, and was gathered from discussions with USFS personnel. At that time, the Lincoln National Forest identified 3047 miles of existing roads, with 2098 miles of roads open; the Gila National Forest identified 6044 miles of existing roads, with 5665 miles of roads open; the Cibola National Forest identified 4995 miles of existing roads, with 253 miles closed; the Carson National Forest identified 3587 miles of open road; and the Santa Fe National Forest identified 3750 estimated miles of existing road (3 July 1991 NMGF memo).

Discussions with USFS personnel in 1991 suggested that as much as 25,000 miles of roads may have existed on all National Forest lands in New Mexico at that time, and regardless of road closure efforts, it is likely that no net loss of roads occurred due to additional road construction or illegal road creation (1 July 1991 NMGF memo). Although the Forest and Rangeland Renewable Resources Planning Act of 1974 requires that temporary roads be closed and revegetated after use, Forest roads are generally difficult to close and maintain as closed, especially when Forests are managed as "Open Unless Closed", such as the Carson National Forest (18 Feb. 1997 NMGF memo).

Thirty years ago four-wheel drive vehicles (4X4s) were uncommon, snowmobiles and all terrain vehicles (ATVs) were rare to non-existent, and fewer miles of forest roads existed. Today, many more people use the National Forests for recreational purposes, 4X4s are abundant, snowmobiles and ATVs are common, and a dense network of Forest roads exists. Studies demonstrate the effects of increased motorized off-road traffic on wildlife. For example, Dorrance et al. (1975) found that home-range size and daily movement of white-tailed deer increased with increasing snowmobile activity in Minnesota. Yarnoloy (1988) found that mule deer experimentally harassed by ATVs produced fewer offspring the following year. Also, excessive motorized vehicle activity encouraged by extensive road systems degrades the quality of experience for many public-lands users such as hunters, fishermen and nonconsumptive wildlife users.

PURPOSE AND NEED FOR ACTION

I. Maintenance

The USFS currently maintains and administers approximately 386,000 miles of roads on NFS lands. Page 3-13 states that at the conclusion of World War Two, a large portion of the total Forest Service Transportation System (approximately 100,000 miles) was constructed primarily for fire and conservation activities. After 1946, and until approximately the mid to late 1980s, the majority of the 386,000 miles of roads on NFS lands were constructed for logging activities. Average costs to build roads for harvesting timber range from \$50,000 to \$60,000 per mile, while average reconstruction costs range from \$8,000 to \$16,000 per mile (p. S-40). The USFS has an \$8.4 billion maintenance and construction backlog, and budget allocations have averaged less than 20% of the funds needed to do annual maintenance. Each mile of road added to the road system competes for limited road maintenance funding. On average, the need is approximately \$1,500 per mile annually for maintenance. In fiscal year (FY) 2000, the Forest Service received less than 20% of the funding needed to maintain its existing road infrastructure (USDA Forest Service 1999h). Each year's unmet maintenance needs increase the backlog as roads deteriorate and the cost of repairs continues to increase. Page 3-17 states that the USFS estimates that approximately 1,444 miles of permanent and temporary roads will be constructed or reconstructed in IRAs over the next 5 years." Page S-4 states that the lack of maintenance exacerbates the effects of roads on the environment and has led many people within and outside of the USFS to question the logic of building new roads when the agency is unable to manage and maintain the existing road system.

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II. Maintaining Quality Recreational Opportunities

Page 3-175 states that in December 1999, the Theodore Roosevelt Conservation Alliance, composed of member organizations such as the Rocky Mountain Elk Foundation, the Mule Deer Foundation and Trout Unlimited, conducted a survey of 600 hunters and anglers to solicit their opinions regarding road management in existing roadless areas of NFS lands (TRCA 1999). The survey found that 86% of anglers and 83% of hunters surveyed support a policy to prevent future road building in roadless areas. These hunters and anglers highly valued many attributes of unroaded NFS lands, including the habitat they provide for endangered species, the protection of water quality, and the opportunity to hunt, fish and experience solitude in remote places with few roads and people.

We conducted a literature search to determine the effects of additional roading on hunting opportunities and game species. We present below a sample of findings from studies on road effects on deer and elk, primarily conducted in the 1970s:

- Rost and Bailey (1979) found that deer and elk avoided roads, with deer exhibiting a stronger avoidance response than did elk.
- Berry and Overly (1976) found that roads reduce big game use of adjacent habitat from the road edge to over 0.5 miles away.
- Bancroft (1990) revealed the widespread illegal practice of road hunting in Arizona using decoy deer and elk. Eleven of 19 archery elk and deer hunters and 41 of 53 firearms hunters committed violations by attempting illegal take after observing a decoy from their vehicle.
- Basile and Lonner (1979) found that travel restrictions on roads appeared to increase the capability of the area to hold elk in Montana.
- Black et al. (1976) found that closure of roads provided improved hunting success.
- Irwin and Peek (1979) found that road closures allowed elk to remain longer in preferred areas.
- Johnson (1977) discussed road closures in the Tres Piedras area in New Mexico during big game season with general public acceptance and increased elk harvest.
- Leege (1976) found that logging and road-building activity along major migration routes changed the winter distribution of elk.
- Leptich and Zager (1991) reported that no bull elk in highly roaded areas in Montana lived more than 5.5 years, and only 5% lived to maturity. Closing roads extended the age structure of the bull population to 7.5 years, and 16% of the bull population consisted of mature animals. One result of road construction is the decreased capacity of the habitat to support elk from decreased habitat effectiveness. Loss of habitat effectiveness can be at least partially reversed by road closures.
- Lyon (1979) found that elk in Montana avoided habitat adjacent to open forest roads, and that road construction creates habitat loss that increases impacts to elk as road densities increase.
- Lyon and Vasile (1980) found that an expanding network of logging roads made elk more vulnerable to hunters and harassment, and higher road densities caused a reduction in the length and quality of the hunting season, loss of habitat, overharvest, and population decline.
- Sundstrom and Norberg (1972) found that activities associated with roads in Montana can reduce the quality and quantity of elk hunting opportunities available in an area.
- Thiessen (1976) found that elk occurred in greater densities in roadless area compared to roaded areas. Hunter success was higher in roadless areas compared to roaded areas in Unit 39 in west central Idaho.
- Wray (1990) found that logging roads made nearby elk herds more vulnerable to human interference year-round, not just during hunting season.

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III. Ecological

The DEIS lists five ecological benefits provided by prohibiting additional road construction in inventoried roadless areas. These are:

1. **Protection of overall watershed health.** Page 3-47 states that IRAs support a diversity of aquatic habitats and communities. Without the disturbances caused by roads and associated activities, stream channel characteristics, such as channel and floodplain configuration, substrate embeddedness, riparian condition, amount and distribution of woody debris, stream flow, and temperature regime, are less likely to be altered (Furniss et al. 1991). Illegal introduction and excessive harvest of fish species are also less likely to occur in these areas due to lack of easy access. Page 3-23 states that the timing of water runoff can change as roads and related drainage structures intercept, collect, and divert water. These factors can accelerate water delivery to the stream; therefore, 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 et al. 1996). Page 3-36 discusses the relationship between roads and mass wasting (landslides), and the adverse effects on aquatic habitats. While mass wasting is a natural process in some regions, extensive research in the West has closely linked land management practices, primarily roading and timber harvest, with accelerated incidence of mass wasting by several orders of magnitude (Swanston 1974, Anderson et al. 1976, Swanston and Swanston 1976, Sidle et al. 1985, Swanston 1991). All of these watershed effects can have direct impacts on salmonid fish species and their habitats (Furniss et al. 1991).
2. **Maintenance of water and soil quality.** Page 3-22 states that roads have long been recognized as the primary human-caused source of soil and water disturbances in forested environments (Patric 1976, Egan et al. 1996). Page 3-22 also states that generation of sediment within timber harvest units is most strongly related to roading and associated facilities needed to remove the trees, rather than to the act of cutting the trees (Anderson et al. 1976). The New Mexico Water Quality Control Commission states "Almost 1,204 miles of New Mexico's waters have been assessed and determined to fully support all designated uses. The majority of these waters are in wilderness areas or in watersheds protected from anthropogenic impacts" (NMWQCC 2000). Degraded water and soil quality from roading adversely affect salmonid fish species and their habitats (Furniss et al. 1991).
3. **Conservation of habitat important to wildlife by reducing the potential for fragmentation, degradation and human disturbance.** Reed et al. (1996) found that roads added to forest fragmentation more than clearcuts by dissecting large patches into smaller pieces and by converting forest interior habitat into edge habitat. Edge habitat created by roads was 1.54-1.98 times the edge habitat created by clearcuts. Page 3-56 of the DEIS states that the total landscape area affected by clearcuts and roads was 2.5-3.5 times the actual area occupied by these disturbances. Over the past 50 years, landscapes have been appreciably impacted from fragmentation caused by road construction and clearcutting (Harris 1984, Saunders et al. 1991, Noss and Csuti 1994, Forman and Alexander 1998). Loss of large trees, snags, and logs in areas adjacent to roads through commercial harvest or firewood cutting has had adverse effects on snag and cavity dependent birds and mammals (Hann et al. 1997). Roads facilitate poaching of many large animals such as caribou, pronghorn, mountain goat, bighorn sheep, wolf and grizzly bear (Cole et al. 1997, Dood et al. 1985, Knight et al. 1988, McLellan and Shackleton 1988, Mech 1970, Stelfox 1971, Yoakum 1978).
4. **Protection of stream and lake habitat for fish and other aquatic species, conserving habitat for numerous threatened, endangered and sensitive plant and animal species.** Page 3-78 states that waters within IRAs have been shown to function as biological strongholds and refuges for many species of fish. Some of these headwaters may now play a relatively greater role in supporting viable populations of aquatic species, due to cumulative degradation and loss of downstream aquatic habitats. Lee et al. (1997) demonstrated a

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negative correlation between increasing road densities and viable native bull, redband, and Yellowstone and westslope cutthroat trout populations in the Columbia River Basin. Page 1-1 states that additional information from studies in the Columbia River Basin, an area that encompasses 144 million acres, 7 states and 35 National Forests, found that over 70% of 91 wildlife species analyzed were negatively affected by roads (Wisdom et al 2000). Findlay and Bourdages (2000) found that evidence is accumulating that road construction may result in significant loss of biological diversity at both local and regional scales due to 1) restricted movement of species between local populations; 2) increased mortality; 3) habitat fragmentation and edge effects; 4) invasion by exotic species; and 5) increased human access to wildlife habitats, all of which are expected to increase local extinction rates or decrease local recolonization rates. Table 3-17 on page 3-93 states that in the Forest Service's Southwestern Region 3, 57% of Threatened, Endangered and Proposed species under the federal Endangered Species Act, and 54% of Forest Service Sensitive species are dependent on habitat within or affected by IRAs. We have attached the table "Wildlife of Concern on USFS lands in New Mexico" (BISON-M 2000), which lists over 150 New Mexico taxa that are state or federally listed as Threatened, Endangered, Proposed or Sensitive. These species may be impacted by additional roading in National Forests in New Mexico due to increased human disturbance and/or habitat alteration.

5. **Maintaining area resilience to invasion by non-native species.** Page 3-88 states that roads serve as a means of dispersal for many non-native invasive plant species, with seed or plant parts inadvertently transported into previously unaffected areas. Ground disturbance associated with roads and other road-related activities provides additional opportunities for establishment of invasive non-native plant species (Parendes and Jones 2000). Page 3-88 also states that with regard to implementing the No Action Alternative, continued roading poses the greatest risk for increased spread of non-native invasive species due to the disturbance associated with roads. Continued roading would allow a corresponding increase in the adverse ecological effects associated with establishment of invasive species, such as habitat alteration, replacement of native species, and alteration of ecosystem processes.

DEPARTMENT ANALYSIS OF ROAD EFFECTS TO WILDLIFE AND HABITATS

We conducted our own literature review based in part on these ecological factors to further analyze the effects of roads on wildlife and wildlife habitats. We attempted to limit our search to reports that would be directly applicable to an expanded National Forest road network by 1) selecting only papers that explicitly identified a direct causal relationship between roads or increased road densities and adverse impacts on wildlife and habitats; and 2) generally excluding research that primarily studied the effects of paved highways on wildlife. We did not include a significant number of papers that identified the impacts logging on wildlife and habitats if roads were not specifically mentioned, even though the association between roads and logging is clear. Below we provide supporting citations from our literature search documenting the negative impacts of roads on wildlife and habitats:

- 1) Landscape scale adverse impacts of roads to fishes and other aquatic species' population viability and aquatic habitats from 1) declining watershed health and function from increased erosion, sedimentation and altered chemical composition that degrade water quality; 2) bridge and culvert alteration of stream channels, floodplains and wetlands morphology and function; and 3) altered runoff quantities, timing and patterns: [8, 9, 11, 17, 27, 28, 29, 35, 36, 40, 45, 46, 50, 55, 56, 58, 62, 79, 80, 83, 84, 87, 88, 89, 91, 102, 103, 108, 110, 115, 118, 126, 133, 134, 142, 143, 153, 154].
- 2) Adverse impacts of roads on aquatic and terrestrial habitats from fragmentation or disruption of dispersal and migration corridors: [31, 23, 33, 35, 37, 39, 48, 54, 57, 61, 103, 106, 107, 109, 134, 139, 145, 150, 152].

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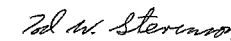
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- 3) Adverse impacts of roads to terrestrial wildlife species from mortality (from roadkill, road construction, increased illegal take, etc.): [3, 4, 16, 19, 23, 24, 25, 31, 33, 35, 51, 60, 61, 68, 71, 74, 76, 77, 78, 86, 94, 117, 121, 129, 130, 134, 148, 149, 151, 156].
 - 4) Adverse impacts of roads to terrestrial wildlife species by altering reproductive behavior or affecting reproductive success (other categories of effects in this review can also affect reproductive success): [2, 32, 33, 61, 92, 96, 134, 149, 158].
 - 5) Adverse impacts of roads to terrestrial wildlife species by 1) reducing or eliminating habitat effectiveness from road presence and associated human disturbance; or 2) significantly altering habitat use by avoidance of areas previously used (beyond a temporary habituation response): [4, 5, 7, 12, 13, 14, 15, 18, 19, 22, 26, 29, 33, 42, 49, 53, 59, 63, 64, 65, 66, 67, 68, 70, 72, 81, 85, 94, 98, 99, 100, 105, 109, 111, 112, 113, 114, 120, 122, 127, 131, 132, 134, 137, 138, 147, 149, 156, 157].
 - 6) Adverse impacts of roads on terrestrial and aquatic wildlife and habitats by acting as dispersal mechanisms for non-native and invasive species. Nonindigenous species are thought to be the second major cause (habitat loss being the first) for the listing of all threatened and endangered species in the United States (Belsky and Gelbard 2000): [33, 34, 38, 41, 47, 73, 75, 82, 95, 134, 135, 140, 141, 144, 155]. The preponderance of literature demonstrates adverse impacts of increased road densities on game, nongame, and terrestrial and aquatic habitats.

In closing, the Department recognizes the importance of roads for implementing management activities and providing reasonable access for hunters, anglers and other Forest users. A growing body of scientific literature however, identifies the potential adverse impacts of roads on fish, wildlife and aquatic and terrestrial habitats, and clearly identifies the need for large contiguous tracts of unfragmented habitats to maintain wildlife population viability. We strongly recommend, however, that should any of the action alternatives be implemented, the USFS continue to emphasize ecosystem restoration thinning projects that restore natural stand conditions to reduce the potential for catastrophic wildfires, and allow adaptive management flexibility in the case of emergency environmental conditions. New Mexico is currently experiencing the worst fire season in its history. Dense timber stands with high accumulations of ladder fuels have created an increased frequency of unnatural stand-replacing wildfires that are detrimental to human and wildlife populations, and aquatic and terrestrial habitats.

We appreciate the opportunity to comment on this DEIS. Should you have any questions, contact Mark Watson, Habitat Specialist, of my staff at (505) 827-1210, or [m.watson@state.nm.us].

Sincerely



Tod W. Stevenson, Chief
Conservation Services Division

TWS/MLW

CC: Lt. Governor Walter Bradley
Larry Bell (Interim Director, NMGF)
Joy Nicholopoulos (Field Supervisor, USFWS)
Scott Brown (Assistant Director, NMGF)
Area Operations Division Chiefs (NMGF)
Bill Hays (Conservation Services Asst. Div. Chief, NMGF)
Area Operations Habitat Specialists (NMGF)
Area Operations Game Managers (NMGF)
Mark Watson (Conservation Services Habitat Specialist, NMGF)

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SHARON ARMIGO
CLERK - P. O. BOX 197
(505) 533-6400

JANET PORTER
TREASURER - P. O. BOX 407
(505) 533-6384

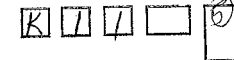
SUSAN GRIFFIN
ASSESSOR - P. O. BOX 416
(505) 533-6577

JOHN D. SNYDER
SHERIFF - P. O. BOX 467
(505) 533-6222

LILLIE LANEY
PROBATE JUDGE

STATE OF NEW MEXICO

CATRON COUNTY
RESERVE, NEW MEXICO 87830



June 26, 2000

43567 ~~13553~~

JOHN HAND
COMMISSIONER DISTRICT NO. 1

CARL B. LIVINGSTON
COMMISSIONER DISTRICT NO. 2

AUGGIE O. SHELLHORN
COMMISSIONER DISTRICT NO. 3

COMMISSION OFFICE
P. O. BOX 507 - (505) 533-6423
FAX (505) 533-6433

Hearing Officer
Gila National Forest
Silver City, NM

RE: Roadless Policy EIS

Dear Sir:

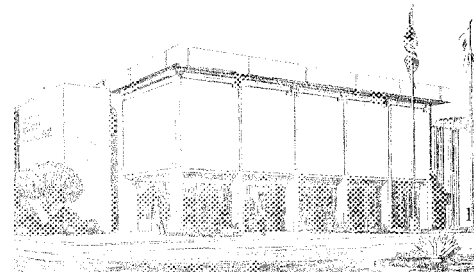
Thank you for the opportunity to provide comment on the roadless policy EIS. The following list the issues and concerns that are expressed by the Catron County Commission representing the 2,564 residents of Catron County.

Issue #1. The USFS does not have jurisdiction on all roads in the national forest system.

Concern:

RS 2477 is a statute adopted in 1866 to facilitate the settlement of the West by encouraging the development of a system of roads and trails. The name "RS 2477" is an abbreviation of "Revised Statute 2477." That name, in turn, comes from the placement of the original law in a reorganized version of the U.S. Code.

RS 2477 is a very short law, consisting of only one sentence. It states, in its entirety, that "the right of way for the construction of highways across public lands not otherwise reserved for public purposes is hereby granted." That right-of-way is a legitimate property right, and, consequently, carries with it a bundle of associated rights, including the right to maintain the roads and upgrade them under certain circumstances.



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Once the grant was made, the federal government's interest in the land actually containing the right of way became that of the servient estate. That means that its rights as owner of the underlying land are still protected against undue or unnecessary damage, but it cannot interfere with the owner of the right-of-way exercising its bundle of rights.

These property rights are held on behalf of the public, usually by the counties. In accepting the property right-of-way, the local governmental unit also accepted a legal obligation (and the consequent legal liability) to maintain those rights-of-way to ensure safe passage by the public.

RS 2477 was a self-executing law, meaning that when the requirements of the law were met, the property right was automatically conveyed from the federal government to the county. Indeed, there was never even a requirement that the county inform the federal government when it accepted the grant of a particular right-of-way. The specific actions which local governments took in accepting the grant vary from state to state and have been determined by each state's law.

In New Mexico, the Territorial Legislature did this in 1905 by enacting Section 67-2-1 NMSA, 1978 Compilation. At that time the legislature knew the federal government was going to reserve the public lands in 1906 and thereby create federal lands, closing them to homesteading and assuming control over the roads. As a consequence of the 1905 territorial act the USFS cannot close New Mexico roads that predate the 1906 reservation of public lands to the federal government. Other State laws can also determine characteristics such as the width of the right of way.

RS 2477 was repealed in 1976 by a law establishing a more comprehensive resource management framework for the Bureau of Land Management, the Federal Land Management and Policy Act, commonly referred to as "FLPMA." However, FLPMA specifically and clearly stated that all existing 2477 rights of way were not affected by the repeal of RS 2477 and remained valid. It contained in its Title V a new mechanism for granting rights-of-way from 1976 to the present.

So, while no new grants were made after 1976, all of those made prior to that time were still valid property rights of the counties.

The federal land management agency cannot determine whether the claim is valid or not except for its administrative purposes. Under our Constitution, only the courts can do that. Much of the recent controversy surrounding the 2477 issue has been sparked by draft regulations issued by the U.S. Department of Interior which local governments and others claim try to exceed the authority of the Executive Branch under the Constitution as well as suffering from a number of other serious shortcomings as well.

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If, based on the documentation the county provides, a federal agency recognizes the validity of a 2477 right of way claim, then it is bound by the right of the local governmental unit to exercise its bundle of rights. If it does not recognize the validity, then the right-of-way holder can still exercise its right. Where a dispute cannot be resolved, the issue goes to federal court for a decision.

Counties can abandon 2477 rights-of-way, but usually must go through formal procedures specified in state law to do so. The lack of maintenance of the road over a right-of-way has no bearing on the continuing validity of the right-of-way. One of the bundle of rights of the local governmental unit is to maintain a safe right-of-way and even to upgrade it within limits.

Issue #2 Determination of Easement by Necessity.

Concern:

The federal courts have recognized that the easement by necessity doctrine, whereby a grantor cannot landlock his grantee, applies to the federal government. In other words, no seller, including Uncle Sam, can deny a right-of-way to his purchaser. *Leo Sheep Co. v. US*, 440 US 668, 679 (1979) and *4 Powell on Real Property*, § 34.07 (rev.ed., 1997)

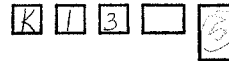
In fact, 36 CFR § 251.114 (f)(1) requires a federal officer issuing a special use permit to ensure that the inholder "has demonstrated a lack of any existing right of access available by deed or under State or federal law", which is, of course, an official recognition of the doctrine.

In *US v. Jenks*, No. 96-2106, the Tenth Circuit Court of Appeals acknowledged that pre-existing rights to access defeat the requirement for special use permits for road easements and that even without pre-existing rights of access, an inholder has statutory right to an easement from the government, with reasonable terms and conditions, under 16 USC § 3210(a).

However, if an inholder can demonstrate that his right-of-way is a public road under Section 67-2-1, NMSA, 1978 Comp., (which, as you know, is New Mexico's RS 2477 acceptance) then a special use permit is not required or even allowed to be issued, under the above quoted statute's State law exemption.

Each inholder must decide himself whether it is cheaper and easier to submit and pay for a special use permit or to resist and prove to the government agents that he has no legal requirement of one.

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Issue #3: Administration of the forest.

Concern:

Catron County has great concern about the USFS to manage the forest with the current road system. Limiting the number of roads for the management of the forest will only reduce management capabilities and cause a further decline in forest health.

Issue #4 Administration of forest permits.

Concern:

Catron County is concerned that the current holders of permits will not be allowed to meet the conditions of the granted permit. In this case then the permittee will lose that permit and it will resort back to the Forest Service. This direction was attempted in the Gila National Forest in the Glenwood Ranger District. The district attempted to close a number of roads under an old Environmental Assessment done 10 years ago. After review of the roads by the Catron County Commission a number were found to lead to stock pens, livestock and wildlife waters, recreational areas and other high use areas in the forest. After this was pointed out the Glenwood district took back the proposal.

Please enter these issues and concerns into the record on behalf of Catron County, NM.

Submitted,

Adam Polley
Catron County Manager



"Adam Polley"
<polleya@gilanet.com>

07/16/00 03:54 PM

To: <roadlessdeis@fs.fed.us>
cc:
Subject: roadless 00

Catron County Commission

P.O. Box 507

Reserve, New Mexico 87830

505 533 6423

USDA Forest Service-CAET

Attn: Roadless

PO Box 221090

Salt Lake City, UT 84122

roadlessdeis@fs.fed.us

July 14, 2000

Dear Sir:

Reference Federal Register dated May 10, 2000 pertaining to Special Areas; Roadless Area Conservation and the document identified as a Draft Environment Impact Statement (EIS) dated May 2000.

43995

We request that this action be halted and Environmental Impact Statements be prepared for each national forest. The objective and issues are to complex to adequately include everything that should be included in one document.

We are opposed to any action that does not meet the full requirements of NEPA.

The Congressional Act and Regulations which establish the requirements for an Environment Impact Statement are the National Environmental Policy Act of 1969 (NEPA) as amended and the Council on Environmental Quality Regulations (CEQ Reg) for Implementing the Procedural Provisions of the National Environmental Policy Act. These two documents are not identified as the documents governing the process for the proposed action. NEPA is mentioned in parts of the documents but not defined or listed as a reference.

The proposal does not meet the purposes of the National Environmental Policy Act (NEPA) as defined in the Act.

- 1) To declare a national policy which will encourage productive and enjoyable harmony between man and his environment.
- 2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and simulate the health and welfare of man.

CEQ Reg Paragraph 1502.23 Cost-Benefit analysis requires that "If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aide in evaluating the environmental consequences." No economic or cost-benefit analysis is included in the draft EIS. The proposed action will have a huge economic impact.

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If action is not halted as requested above, we request at least a 120-180 day extension to the comment period. We have not had enough time to review the complex document and prepare comments. This is not near sufficient time to adequately complete this task.

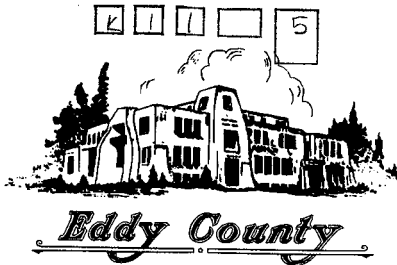
Sincerely,

/s/ Adam Polley

Catron County Manager

**Eddy County
Board of Commissioners**

Glenn Collier, Chairman
Julius Doubrava
Laurie Kincaid
Lucky Briggs
Ray Camp



Eddy County Manager
Steve Massey

101 W. Greene St., Suite 225
Carlsbad, New Mexico 88220
Phone (505) 887-9511
Fax (505) 887-1039

June 20, 2000

USDA Forest Service, CAET
Att.: Roadless Areas Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

First, the road management and transportation system policy cannot be implemented under current forest planning regulations. It is premature to promulgate new direction and policy that are dependent on changes that are not definite and that cannot be implemented pursuant to current forest planning regulations.

We believe the proposed forest planning regulations must be final before the road management and transportation system policy can be considered for public comment and proceed through rulemaking. The relationship of the proposed road management is clearly one of absolute dependence and violation of current forest service regulations.

We believe these proposed policies and regulations create conflict on roadless area regulations and will expose the agency to certain legal challenge.

The roadless proposal along with all of your key actions changes congressional mandates of the forest service from multiple use and sustainable yields to something you have never defined, ecological sustainability. Your goal states of ecological sustainability of pre-European settlement conditions. The agency has not defined what it is and will be impossible to achieve. This will create non-management of millions of acres of forest lands which puts industries of recreation, timber, forage, oil, gas and mineral access in total jeopardy.

The draft proposal on roadless areas and other proposals such as the unified federal policy for watersheds violate the Organic Act and the Multiple Use Sustained Yield Act. The proposals assume that various statutes require that ecological sustainability be the dominant consideration for all national forests, sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological

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sustainability. To be supportable, these assumptions would require significant legal, scientific, and economic data. The Forest Service has submitted no full blown data on economics or true science.

Inventoried roadless areas comprise over 54 million acres or 28 percent of national forest system, but what you do not mention are the millions of acres of land shut down because of the spotted owl or other endangered species, which conflicts with the data in the roadless proposal, on social and economic indicators for industry, individuals, and state and local government. For state and local government tax base this data should be entered for the true economic losses, which would in turn change your economic numbers dramatically.

The pseudo-science of ecological sustainability and roadless areas should be omitted and state forestry and universities should be included in peer review science in the state where effected not a one size fits all policy from Washington D.C.

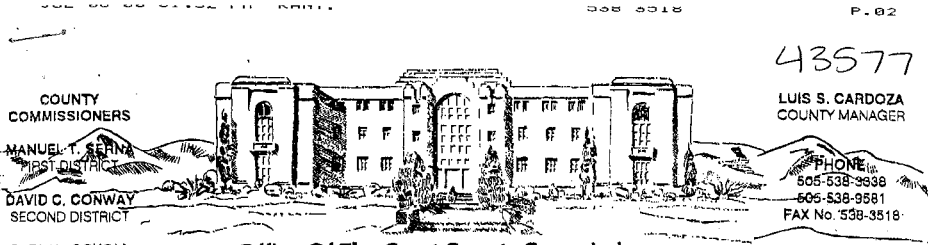
The last paragraph on local involvement on page 3-209 states that it will have no effect on the local process itself, the next sentence states you would narrow the scope of what is to be decided on locally, which is it? Current regulations guarantee state and local governments a number of provisions to ensure they are notified and participate in Forest Service planning limiting the collaborative process for land use planning to ecological topics violates the Organic Act, MUSYA, NEPA and NFMA.

We appreciate the opportunity to comment on this proposed draft.

Sincerely,

EDDY COUNTY BOARD OF COMMISSIONERS

Laurie Kincaid
Commissioner District 3



Office Of The Grant County Commissioners
P. O. Box 898
Silver City, New Mexico 88062

BY FAX: (202) 205-1765

July 6, 2000

K I T S

USDA Forest Service - CAET
 ATTN: Chief Mike Dombeck
 P.O. Box 96090
 Washington D.C. 20250-6090

JUL 10 10 45 AM '00
 JUL 14 2000

Re: Roadless Areas NOI

Dear Chief Dombeck:

Last year the Executive Branch of government proposed to promulgate a two-part rule to protect roadless areas. As stated in my letter to you dated December 22, 1999, the proposed rule is fatally flawed as it applies to the State of New Mexico. The proposal should be withdrawn or the State of New Mexico should be excluded. Specifically, the proposal conflicts with Public Law 96-550 enacted by the 96th Congress on December 19, 1980. It invalidates the existing Gila National Forest Land Management Plan as well as other forest land management plans in the State of New Mexico and the legislation which required these plans (i.e. - Forest and Rangeland Renewable Resource Planning Act of 1974 as amended by the National Forest Management Act of 1976).

Public Law 96-550 specifically states in Section 104(c): "Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico...". Public Law 96-550 also states in Section 104(b)(3) that "...areas in the State of New Mexico reviewed in such Final Environmental Statement and not designated as wilderness, or wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans." Section 101(2): "...insure that certain other National Forest System lands in New Mexico be promptly available for non-wilderness uses including but not limited to, campground and other recreational site development, timber harvesting, intensive range management, mineral development, and watershed and

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 vegetation manipulation." As of the date of this letter, the initial Gila National Forest Land Management Plan has not been revised and I would submit that other initial forest plans in the State of New Mexico have not been revised as well. The Congressional record relating to the passage of Public Law 96-550 is clear as to the intent of Congress to designate specific areas to wilderness, study specific areas for their suitability as wilderness and to return all the roadless areas not involved in the two preceding categories for non-wilderness uses and put off further consideration for roadless area management plans. Your roadless area proposal as it relates to the State of New Mexico is fatally flawed and an insult to the Congress of the United States and should be immediately withdrawn.

In order to protect the National Forest values discussed in your proposal, action should be taken on the wilderness study areas that were specified in Public Law 96-550 and the recommendations contained in the first phase forest land management plans pertaining to wilderness study areas.

Aside from the conflicts with Public Law 96-550, the proposed rule violates numerous provisions of existing domestic law, including but not limited to, the Multiple Use and Sustained Yield Act of 1960, Public Law 86-517, 74 Stat. 215; the Wilderness Act of 1964, Public Law 88-577, 79 Stat. 890; the National Environmental Policy Act of 1969, 83 Stat. 852; and the Federal Land Policy and Management Act of 1976, Public Law 94-579, 90 Stat. 2743.

The generalized prescription and withdrawal of 54 million acres, more or less, could adversely impact the environment by causing further impairments to proper conservation management, and would cause significant economic, social, political, and cultural impacts which are not addressed and, for all intents and purposes, cannot be addressed in such a broad and sweeping fashion as suggested in the proposal.

Sincerely,

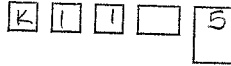
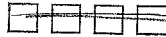
Carl W. Scholl, Chairman
 Grant County Commission

MTS/hkl

cc: Grant County Commissioners
 Senator Ben D. Altamirano
 Senator Jeff Bingaman
 Senator Pate V. Domenici
 Governor Gary Johnson
 U.S. Representative Joseph R. Skean
 U.S. Forest Service

2

State of New Mexico
HIDALGO COUNTY
300 S. SHAKESPEARE
Lordsburg, New Mexico 88045



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JUL 17 2000

July 11, 2000

USDA Forest Service-CAET,
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

Dear Sirs:

Please consider these our official comments regarding Roadless Area Conservation Proposed Rule. Alternative 1 is the only proposal that appears reasonable. We oppose the other alternatives for the following reasons:

The Roadless Conservation Plan contains four alternatives that allocate lands without respect or compliance with existing Forest Plans, on-going Forest Plan Revisions or the administrative and legal process of Forest Planning, NEPA or the Regulatory Flexibility Act.

Due to the substance and the number of comments received, the Forest Service should allow time for public comment when the new Planning Regulations are published.

The Forest Service should not finalize any other policy proposals until the new Planning Regulations are final.

Forest Health is identified as a Potential Cost of implementation of the Roadless Plan. Fuel loading and fire risk, as well as Forest Health, are not adequately analyzed in the DEIS.

The cost of implementation of the Roadless Plan is grossly understated and ignores examples of disastrous non-management and inaccessibility for fire prevention and protection, as we experienced in the recent fires in New Mexico.

The Forest Service has refused every reasonable request from Senators, Representatives, Governors, & County Commissioners seeking Cooperating Agency Status to participate and assess impacts of the Roadless Plan. We believe this has occurred because the Forest Service

The Southwest Gateway To The Land Of Enchantment

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does not want the true economic impacts of the Roadless Plan to be addressed.

As the Forest Service shuts down multiple use of the National Forests under the new Roadless Rule, the economies of rural areas will be devastated by the Plan.

The Roadless Conservation Plan circumvents the administrative and legal process because the present administration has been unduly influenced by environmental groups and have made political deals to create defacto wilderness areas as proposed by Wildlands Project proponents.

Congress must, by law, vote to designate new Wilderness Areas. The Roadless Plan illegally designates Wilderness Areas in all National Forests. This violates the federal Wilderness Act and individual states' Wilderness Area designation statutes.

The Plan has been developed by a handful of extreme environmental groups, and has become a political campaign unsupported by sound science.

Last summer, and again this summer, the Sky Island Alliance, an affiliate organization of the Wildlands Project, hosted a gathering of radical environmentalists that support the Wildlands Project. Their objective was to map our county for "roadless areas", specifically, in the portion of the Coronado Forest located in Hidalgo County. This "mapping" did not include most "roads" used by the public. Only roads that were maintained on a regular basis by the county, or Forest Service were considered "roads". As a result of these mapping efforts 75 to 80% of so called "roadless areas" are in fact areas with roads. Roads that many local residents use on a fairly regular basis for a wide variety of purposes, including recreation.

These mapping sessions have been held all over the Western states by similar groups who support the Wildlands Project. Their "findings" were then turned over to the Forest Service to justify "roadless areas". This has resulted in a new set of standards for road classification. However, the "science" used in their mapping scheme does not provide a true picture of "roadless areas".

As a result, the access of millions of Americans will be limited to public lands based on this "roadless" criteria. Disabled, elderly and young Americans will have limited access to enjoy our Forests.

The Forest Service states that driving in the National Forests has increased dramatically over the last ten years. This proposal will diminish the tourism access for millions of Americans.

The local economic impact of the Roadless Plan, especially in states where the Forest Service controls millions of acres of lands, has not been analyzed adequately.

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In conclusion, it is essential and, ultimately beneficial to the public, that the Forest Service work with community-based, local governments (i.e. counties, cities and tribal governments) to identify forest roads that need to be built, improved, maintained or decommissioned. Our county stands ready to assist in this endeavor.

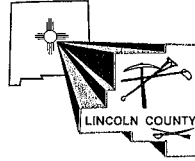
Many counties, including our own, have in place the mechanisms through which the Forest Service could work more effectively to identify essential and nonessential roads. Our Public Land Advisory Committee currently works with other federal agencies on similar issues. We would appreciate the same cooperation from the Forest Service.

Thank you for your time and consideration in this matter.

Sincerely,

[Handwritten Signature]
Acting Chairman

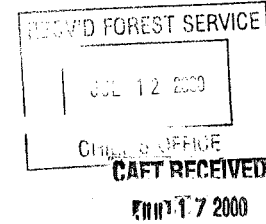
Lloyd Payne, Chairman
Hidalgo County Commission



County of Lincoln
Post Office Box 711 • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

July 6, 2000

Mr. Mike Dombeck
Chief, U. S. Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090



Dear Chief Dombeck:

Thank you for this opportunity to comment on the "Roadless Initiative". First, the road management and transportation system policy cannot be implemented under current forest planning regulations. It is premature to promulgate new direction and policy that are dependent on changes that are not definite and that cannot be implemented pursuant to current forest planning regulations.

We believe the proposed forest planning regulations must be final before the road management and transportation system policy can be considered for public comment and proceed through rule making. The relationship of the proposed road management is clearly one of absolute dependence and violation of current forest service regulations.

We believe these proposed policies and regulations create conflict on roadless area regulations and will expose the agency to certain legal challenge.

The roadless proposal along with all of your key actions change congressional mandates of the Forest Service from multiple use and sustainable yields to something you have never defined - ecological sustainability. Your goal states ecological sustainability of pre-European settlement conditions which your agency has not defined and therefore is impossible to achieve. This will create non-management (which is totally unacceptable) of millions of acres of Forest lands which puts industries of recreation, timber, forage, oil, gas and mineral access in total jeopardy. Not to mention, the enormous fire hazards which will be multiplied a thousandfold for lack of maintenance.

The draft proposal on roadless areas and other proposals such as the unified federal policy for watersheds violate the Organic Act and the Multiple Use Sustained Yield Act.

ASSESSOR / 648-2306
P.O. Box 38

CLERK / 648-2394
P.O. Box 338

SHERIFF / 648-2342
P.O. Box 278

TREASURER / 648-2397
P.O. Box 709

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JUL 17 2000

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BOARD OF SIERRA COUNTY COMMISSIONERS
100 NORTH DATE STREET, SUITE 5
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE (505) 894-6215 FAX (505) 894-9548

July 11, 2000

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

The proposals assume that various statutes require that ecological sustainability be the dominant consideration for all national forests. Sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological sustainability. To be supportable, these assumptions would require significant legal, scientific, and economic data. The Forest Service has submitted no full blown data on economics or true science.

Inventoried roadless areas comprise over 54 million acres or 28 percent of the national forest systems but what you do not mention are the millions of acres of land shut down because of the Spotted Owl or other endangered species which conflicts with the data in the roadless proposal on social and economic indicators for industry, individuals and the state and local government tax base. This data should be entered for the true economic losses, which would in turn change your economic numbers dramatically.

The pseudo-science of ecological sustainability and roadless areas should be omitted, and state forestry and universities should be included in peer review science in the state where effected - not a one-size-fits-all policy from Washington, D.C.

The last paragraph on local involvement on page 3-209 states that it will have no effect on the local process itself. The next sentence states you would narrow the scope of what is to be decided on locally. Which is it???

Current regulations guarantee state and local governments a number of provisions to ensure they are notified and participate in forest service planning. Limiting the collaborative process for land use planning to ecological topics violates the Organic Act, MUSYA, NEPA AND NFMA..

Why does the U.S. Forest Service not have to comply with the Americans with Disabilities Act like all private businesses and other government agencies do. A lot of people will be shut out of a lot of Public Land if all these roads are closed.

We appreciate your perusal of our questions this proposed draft.

Yours truly,

Thomas F. Stewart
Lincoln County Manager

USDA Forest Service-CAET
Attention Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake, UT 84122

RE: Sierra County commission Comments on the U.S. Forest Service Roadless Policy Proposal

Sierra County Commission would like to take this opportunity to comment on the U.S. Forest Service Roadless Policy Proposal Environmental Impact Statement (EIS). Sierra County Commission has serious concerns regarding the Forest Service proposed Roadless Initiative. The national forest in Sierra County already has substantial roadless and wilderness areas. In addition, Sierra County RS 2477 Roads could be in jeopardy unless there is proper Forest Service consultation with the County Commission.

1. Roadless Initiative Results: Over 80% of the National Forest in Sierra County Withdrawn from Multiple Use: The Roadless Area Initiative has been touted as being insignificant on the Gila National Forest in terms of total acres to be withdrawn from multiple use. In fact the Forest Service proposed Roadless designations in Sierra County are significant for several reasons. The national forest roadless/wilderness areas in Sierra County already consume approximately half of the forest in the County. The Roadless Area initiative could withdraw another thirty percent. The net consequences could result in less than 20% of the national forest remaining accessible to multiple use. Sierra County and southern New Mexico is a fast growing region of the southwest. People who live and move into this region utilize the multiple uses of the national forests - the very forests that are proposed to be withdrawn.

2. The Future of Sierra County RS 2477 Roads? A major concern of Sierra County Commission is the RS 2477 Roads that lace the Gila National Forest in Sierra County, including the proposed Roadless areas. The Sierra County RS 2477 Roads are property of the County and its citizens. Yet the County Commission is concerned that the Roadless Initiative would usurp County jurisdiction with the federal government illegally "taking property" that belongs to the County. Sierra County Commission has notified the national forest of its RS 2477 properties on the forest. Yet no proper inventory of the RS 2477 Roads has been done. The County has also requested to be a partner in joint environmental analyses of any forest Service initiatives that could impact Sierra County. The County was not properly notified for early consultation

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What happened to the Community Based Partnership and the Southwest Strategy of early consultation and coordination? When the Forest Service withdraws national forest lands from multiple use, the result is a reduction in the multiple benefits and multiple values and interests to the American public.

The federal administration's Roadless Area Initiative would preclude any future road planning in areas that have not been previously roaded or managed for timber. The impacts would vary greatly, depending on the part of the county involved. The proposed Roadless additions are expansive, and more than doubling the amount of area that will no longer be available for multiple use. Such a significant change in policy for our land use deserves more careful consideration because it will greatly impact the citizens living on or near the national forest.

3. Roadless Initiative – Centralized Planning and Questionable Decision-Making

The County is skeptical of Washington, centralized planning with the attitude they know what is best for our local forests. The County Commission is concerned that the Roadless Area Initiative has not followed the NEPA process through their "fast track" approach, precluding meaningful public involvement and due process. Moreover, the Forest Service did not consider Sierra County Commission's request to jointly conduct the environmental impact statement, nor did they consider Sierra County's Environmental Planning Ordinance and CEQ Regulations, requiring early consultation and coordination.

Furthermore, the Roadless Initiative is not following the regulations of the National Forest Management Act (NFMA) or the Wilderness Act. Many of the national forests are in the process of revising their forest plans. This latest initiative has thwarted the national forest planning process. The Forest Service should wait till the Gila National Forest planning process to consider such a substantial withdrawal of multiple use lands.

It appears that the Roadless Area Initiative is attempting to usurp the authority of the NFMA planning process. NFMA planning is based on the premise that decision-making for local areas should be made with site-specific, scientific information for that particular area. But the Roadless Area Initiative is a "one plan fits all" prescription and lumps 54 million acres nationally together that are obviously quite different, both in physical aspects and in social/cultural dimensions.

This initiative has bypassed scientific analysis. It is ironic the Committee of Scientists just finished making their Roadless Initiative recommendations, and new planning regulations are out for public comment. Suddenly, the Roadless Area Initiative comes from Washington, negating the hard work that has gone into the forest planning process.

4. Impact on Multiple Use

The existing Gila National Forest roads provide a vital service to our citizens and visitors who travel through the national forest by vehicle. The number one recreation activity on

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the Gila National Forest is driving through the forest on dirt roads. It provides the most important recreation activity, driving through the national forest. Families, sportsmen, and a growing retirement and elderly population can only fully enjoy the national forest through vehicle access. (Refer The Forest Service report: *Gila National Forest Recreation Market Study*, by Dr. Alexander J. Thal, Western New Mexico University.

Timber harvests (fuelwood gathering and timber operations) have been a vital part of Sierra County's customs and cultures and economy. The impact of the Roadless Area Initiative has yet to be determined, but its impact on future fuelwood gathering and any timber production could be significant, because it could lock up another 30% of the forest, resulting in less than 20% of the remaining non-wilderness areas left for future timber production in Sierra County. Many of the roads used by woodcutters in the national forest could be excluded from vehicle use.

5. Impact on Forest Health

It is well-established scientific knowledge that the national forests in the southwest are ripe for disease, insect infestation and catastrophic fires. The Forest Service must accelerate their forest management to address these priority forest health problems. This requires intensive management with both natural/set fires and mechanical treatment, especially thinning to significantly reduce disease, insect infestation and over dense tree stands and adequate fire breaks.

The Gila National Forest in Sierra County is also highly susceptible to catastrophic wildfire on the scale of the Los Alamos disaster and the Scott Able fires. Again, the attention and primary responsibility of the Forest Service is to protect watersheds, provide multiple use, fire protection, and *forest management*, rather than spending precious time and financial and natural resources on developing backdoor "national parks", or, "wilderness" set-asides.

These forest health management treatments are critical in order to protect human lives and property and to protect our natural resources, including our watersheds, water quality, wildlife, endangered and threatened species. The Forest Service management infrastructure to accomplish these priorities not only requires financial commitment, studies and administrative processes, but also available road networks that provide access for treatment.

6. Damage to Forest Service Public Relations

The Roadless Area Initiative is very controversial, both inside and outside the Forest Service. It has magnified the conflict between the urban environmental community and other national forest users. The battle lines are drawn. On one side is the federal administration and every environmental organization; on the other, every rural state and its governor, every county board, hunters, ORVers, libertarians, and logging and mining associations.

The Roadless Area issue is steeped in controversy. Why did this come about? The

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decisions that lead to this initiative were not open and transparent. Only one group of forest users was consulted, and the other side was clearly and intentionally locked out of the process. No effort was made by the federal administration to gather consensus or agreement. No effort has been made to consult local Forest Service decision-makers. The local Forest Service staff is caught in the middle. Forest Service employees live in rural communities affected by the Roadless Area Initiative. Because of the way this initiative was handled by the federal administration, the level of distrust toward the Forest Service and its employees has reached an unprecedented level. A little bit of consideration by the Administration for Forest Service-community relations could have gone a long way toward diffusing the heated situation. As it now stands, the damage that has been done to Forest Service public relations and community support may take years to repair and rebuild.

Sierra County Recommendation

Sierra County Commission is asking that a moratorium be placed on the Roadless Initiative. Furthermore, the Commission is requesting that Forest Service involve Sierra County Commission in early consultation in the Gila Forest Planning process, as well as other Forest Service proposals that may significantly impact Sierra County.

Respectfully submitted,
Ralph Gooding
Ralph Gooding, Chairman
Sierra County Commission



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

June 19, 2000

US Forest Service – CAET
Attention: Roadless Area Conservation
Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED

JUN 21 2000

7 7 7 [] 5

Dear USFS:

I write in support of the proposed rule to protect our remaining large roadless areas.

Roadbuilding in National Forests has been a very bad deal for taxpayers. The Forest Service presently has in the neighborhood of 400,000 miles of inventoried roads. Many of those roads are barely used, if at all. The USFS also has an \$8.5 billion maintenance backlog. We cannot take care of the roads we already have. The taxpayers should not be called upon to fund any more roadbuilding in our National Forests.

Albuquerque and central New Mexico face difficult problems of water scarcity. We are going to have draw upon surface water from the Rio Grande. Many of the critical watersheds for the Rio Grande are National Forest roadless areas. Roadbuilding detracts from watershed health. It contributes sedimentation to stream flows, particularly during construction. Unmaintained Forest Service roads contribute heavily to erosion problems. And, roadbuilding may detract from the reservoir capacity of our forests, thus harming the capacity of the land to store and release water on a regular basis.

We should not play games with our watersheds. The conservative approach is to err on the side of caution. Anything that does not contribute to our watershed capabilities particularly the building of more Forest Service roads must be avoided.

The USFS proposal presently only protects areas of 5,000 acres or more. Roadless areas of 1,000 acres equally important to our watershed must also be protected.

Respectfully,

Hess Yntema
Hess Yntema
Albuquerque City Councilor
District 6

CAET RECEIVED

JUN 21 2000

==== THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER ====

5661



North Carolina
Department of Administration

James B. Hunt, Jr., Governor

July 13, 2000

Katie G. Dorsett, Secretary

Mr. Mike Dombeck
USDA Forest Service-CAET
Attn: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

S I I I 5

Dear Mr. Dombeck:

Re: SCH File # 00-E-0000-0625; Draft Environmental Impact Statement - Roadless Area Conservation Proposed Rule

The above referenced project has been reviewed through the State Clearinghouse Intergovernmental Review Process. No comments were made by any state or local agency in the course of this review. Should this office receive any late comments on this proposal we will forward them under separate cover.

Should you have any questions, please do not hesitate to call me at (919) 807-2425.

Sincerely,

Chrys Baggett

Ms. Chrys Baggett
Environmental Policy Act Coordinator

cc: Region A
Region H
Region P
Region C
Region B

116 West Jones Street Raleigh, North Carolina 27603-8003 Telephone 919-807-2425
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Recd PSCC

JUL 5 2000



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

NFS 51042
RECEIVED FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Roadless

FACT RECEIVED

JUL 17 2000

REPRESENTATIVE VERLA C. INSKO
24TH DISTRICT - CHATHAM AND ORANGE
OFFICE ADDRESS: 1323 LEGISLATIVE BUILDING
RALEIGH, NC 27601-1095
TELEPHONE: (919) 733-5775
(919) 733-2599 FAX
E-MAIL: VERLAI@MS.NCGA.STATE.NC.US
HOME ADDRESS: 610 SURRY ROAD
CHAPEL HILL, NC 27514

V I I I 5

June 23, 2000

COMMITTEES:

AGING - CHAIR
EDUCATION/UNIVERSITIES SUBCOMMITTEE - CHAIR
HEALTH - VICE-CHAIR
STATE PERSONNEL - VICE-CHAIR
APPROPRIATIONS/EDUCATION SUBCOMMITTEE
ELECTION LAW & CAMPAIGN FINANCE REFORM
JUDICIARY I
MENTAL HEALTH

Michael Dombeck, Chief
U. S. Forest Service
PO Box 96090
Washington, DC 20090

FACT RECEIVED

JUL 14 2000

JUL 6 2000

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

Dear Mr. Dombeck,

The preservation of our natural resources is of utmost importance to me and to the citizens who elected me. Recent floods in eastern North Carolina have made us all aware of the importance of woodlands in the overall protection of our rivers and streams. As a publicly elected official I well understand the critical importance of intact and undamaged pristine wild areas.

Our citizens are concerned about continued road building, logging, mining and other destructive practices in our last remaining forest wilderness. North Carolina is fortunate to have some of the nation's most impressive national forests including the Uwharrie, the Croatan, the Pisgah and the Nantahala. These roadless areas provide unique habitats for animals and plants as well as areas for recreation and cultural value. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. Roadless areas also protect private property from landslides and flood damage.

The economic value of scenic wilderness areas is of utmost importance. The projected 2000 economic impact of recreation in the national forest system is \$110 billion, in contrast to \$3.5 billion from logging. Protecting these areas will lead to greater public wealth than using them for extractive purposes.

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Initial: KA

Control No: 41566678

51042

E I I I E

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Page 2

I urge you to adopt a roadless area protection policy which protects all roadless areas 1000 acres and larger in all national forests. A strong forest protection policy is in the public's best interest.

Sincerely,

Verla Insko

Representative Verla Insko
House District 24

VI/jbb

cc. U. S. Senator Jesse Helms
U. S. Senator John Edwards

Raleigh 27601-1096

REPRESENTATIVE GEORGE W. MILLER, JR.
23RD DISTRICT
OFFICE ADDRESS: ROOM 811
LEGISLATIVE OFFICE BUILDING
RALEIGH, N.C. 27601-1096
TELEPHONE: (919) 733-5878
(919) 715-5815 FAX
HOME ADDRESS: P. O. Box 2975
DURHAM, N. C. 27715-2975
TELEPHONE: (919) 403-0000
(919) 403-0001 FAX

June 21, 2000

COMMITTEES:
FINANCE
INSURANCE
JUDICIARY
TECHNOLOGY
WAYS AND MEANS
CAET RECEIVED
JUL 06 2000

RECEIVED
JUN 20 2000
DEPUTY CHIEF NFS

Mr. Michael Dombeck
Chief
U.S. Forest Service
PO Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

It is important for roadless national forests to be protected not only for America's people, but also for the world's natural resources. I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

With best wishes, I am

Sincerely,

George W. Miller, Jr.

George W. Miller, Jr.

c: The Honorable Jesse Helms
The Honorable John Edwards

Received in FS/CCU
Initial: KH
Control No: 41566A3



Graham County Board of County Commissioners

5390

5390

P.O. Box 575
Robbinsville, NC 28771
(828) 479-7961
Fax: (828) 479-7988

Lynn Cody
Chairman

Claudine Gibson
Member

Dale E. Wiggins
Vice-Chairman

Jan Millsaps
County Clerk

June 12, 2000

Opposition to Roadless Area Designation

yes

US Forest Service
Attention: Roadless Areas NOI
PO Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED
JUN 19 2000

To whom it may concern:

Graham County is a very rural and isolated county in southwestern North Carolina. The US Forest Service along with other Federal agencies owns some 70% of the land in the county. Included in these holdings are one designated Wilderness Area, the Joyce Kilmer-Slickrock Wilderness Area and one designated study area known as the Big Snowbird Wilderness Study Area. As you know the Wilderness designation prohibits certain activities and allows for recreational use only. In addition to these areas there are several thousand acres of US Forest Service land that are protected for one reason or another.

Those of us who live in this county believe that we have the right to earn a living by some means on these large holdings of Federal property. We believe in the Constitution of the United States and the fact that it guarantees us the right to the seek prosperity. Many of our ancestors willingly sold their property to the Forest Service no doubt thinking in some way that they were insuring that their families would be able to go into the forest and earn a living if that was what they chose to do. In other words they bought into the philosophy of the Forest Service's original concept of insuring a sustainable forest for the harvesting of timber and other forest products. We are sure that if those people were here today they would not be so willing to participate in what has become a false promise. Those of us that have seen the harvesting of forest products on US Forest Service property become almost non-existent must surely be able to identify with how the Native American population felt when they saw treaty after treaty with our government broken. They no doubt felt betrayed. So do we. We believe that these roadless designations are just the backdoor approach to establishing more wilderness areas without having to label them as such. The term "roadless" itself when applied to most of the areas in Graham County that have been targeted to receive this designation will have to be fabricated as most of the areas have existing roads. The rule of thumb being used is to term it as having roads that have not been used in "x" number of years.

We oppose the roadless designations and any other land management plans that will only further restrict our ability to have some sense of economic prosperity resulting from the harvesting of products on US Forest Service property. The propaganda that is being used to push these plans in most cases does not in any way represent the truth about the situations. Timber alone in Graham County is being grown at eight (8) times the rate of being harvested. Although those people who harvest timber often get the blame for the terrible practice of clear cutting, it was never their idea, but rather the idea of the science of the government; they thought they could do a better job of growing forests than nature.

We are pressured by large metropolitan areas to preserve the forests for them, yet they do nothing to reduce the urban sprawl that daily reduces the forested areas around their cities. By doing so they are hypocritical. Why must we continue to suffer because of the prosperity of others? Our ancestors have given much of our land to the government, willingly and unwillingly. Will it ever be enough? Our ancestors have been forced to move from their homes and surrender their land for the so-called good of the masses. What do we get in return? More poverty, less employment, less prosperity. Some radical elements of our society would have us removed to some other place and have the forests unused for any purpose. We will never do this without a struggle. We are no different than most who want clean water to drink and clean air to breathe. Yet those who label themselves environmentalists accuse us of polluting streams, the air, and the land. The truth is the air pollution we suffer from comes from other areas. We have learned to protect the water and the land, but it seems that no matter how much we improve the way we do things it is never enough. The radical environmentalists make every effort to block our pursuit of employment on federal lands and when one effort is defeated they are waiting with some other challenge.

We believe that the time has come for our government to consider our needs, our rights. We are not people without compassion for other living things. However, we do feel that the needs of people like us must be considered when our government puts itself in a position to have to choose between our survival and the well being of the land based on some unproven theory of what is necessary and what is not. We live where we do because we choose to, for the same reason the masses come to visit where we live. We have no desire to see it destroyed. We and our children and grandchildren have every right that the rest of the citizens of this country have; yet it seems ours are the most threatened. In closing we ask that you let us pursue our rights to seek employment on Federal lands knowing that we can be good stewards to the land and the forests, after all it's our livelihood and our home.

Respectfully submitted on behalf of the people of Graham County,

Mr. Lynn Cody, Chairman of the Board of Commissioners



H I I [] 5

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

OFFICE OF THE TOWN COUNCIL

June 22, 2000

Michael Dombeck, Chief
U. S. Forest Service
PO Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing you to urge you to adopt a policy to protect roadless areas in our national forests. As Mayor of Cary, North Carolina, I understand the critical importance of intact and undamaged pristine wild areas.

I believe Cary citizens place a high premium on these wild areas as places of recreation, and they understand their environmental importance.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wildernesses. North Carolina is fortunate to have some of this nation's most impressive national forests, and many Cary citizens seek out and visit these areas each year.

Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, I understand that nearly 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, and can also attract non-resource extraction businesses. I have seen data that indicates the projected economic impact of recreation in the national forest system in 2000 will be \$110 billion, in contrast to \$3.5 billion from logging. It appears that protecting these areas will lead to more public wealth than using them for extractive purposes.

Cary citizens are concerned about these issues, and I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Glen Lang
Glen Lang
Mayor

cc: Jesse Helms, US Senator
John Edwards, US Senator

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

TOWN OF CARY

316 North Academy Street • Cary, NC 27513 • PO Box 8005 • Cary, NC 27512-8005
tel 919-469-4011 • fax 919-460-4910 • www.townofcary.org

10031/F3



City of Goldsboro

F. O. Brawer A
North Carolina
27533-9701

June 9, 2000

(919) 735-6121

5393 Roadless
CCU 6/13/00

Michael Dombeck, Chief
U.S. Forest Service
PO Box 96090
Washington, DC 20090

H I I [] 5

yes

REC'D FOREST SERVICE
JUN 13 2000
CHIEF'S OFFICE

Dear Mr. Dombeck:

This letter is written to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of North Carolina, I well understand the critical importance of impact and undamaged pristine wild areas.

A high premium on these wild areas is set by the citizens I represent. They provide places of recreation and spiritual renewal. Even if you have to travel to experience the pleasures of a national forest roadless area, millions of Americans from every part of the country seek them out each year. The public is concerned about continued road building, logging, mining and other destructive practices in our last remaining forest wilderness. North Carolina is fortunate to have some of this Nation's most impressive national forests.

Protecting these areas also provides unique habitat for many fish species and serves to recharge aquifers and are often in the waterheads of municipal watersheds. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting the scenic wilderness areas also makes sound economic sense. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion, in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I would like to urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and large, in all national forests. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Hal K. Plonk
Hal K. Plonk
Mayor

CAET RECEIVED

JUN 16 2000

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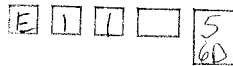
Received in FS/CCU

Initial: KH

Control No: 4155290

BYRON L. DORGAN
NORTH DAKOTA
111 HART DRILLING
WASHINGTON, DC 20510-3405
202-224-2951
202-224-6979 TDD

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE & TRANSPORTATION
ENERGY & NATURAL RESOURCES
INDIAN AFFAIRS
CHAIRMAN, DEMOCRATIC POLICY COMMITTEE



United States Senate

WASHINGTON, DC 20510-3405

July 10, 2000

43714
STATE OFFICES
312 FEDERAL BUILDING
THIRD AND ROSSER AVENUE
P.O. BOX 2579
BISMARCK, ND 58502
701-230-4518
1-800-695-4462 TOLL-FREE
112 ROBERTS STREET, ROOM 110
P.O. BOX 2250
FARGO, ND 58107
701-229-5989
102 NORTH 4TH STREET, ROOM 108
GRAND FORKS, ND 58201
701-745-8972
100 1ST STREET, S.W., ROOM 105
MINOT, ND 58701
701-852-0703

CAET RECEIVED
JUL 17 2000

Dr. Mike Dombeck
Chief of the Forest Service
PO Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

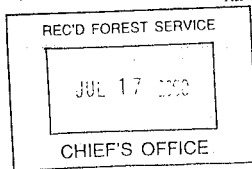
I write to request a 90-day extension of the current comment period for the Proposed Future Management of Roadless Areas.

In light of the Forest Service's decision to simultaneously implement six plans for the management of the grasslands in North Dakota, additional time for comment seems an appropriate and reasonable request. The July 17 deadline simply doesn't provide the time needed to fully understand the implications of the Roadless Plan and how it fits with the Forest Service's five other proposed plans.

I believe the Forest Service should allow a more significant time period for interested parties to thoroughly review and comment upon the Proposed Roadless plan, and I urge you to extend the deadline.

Thank you for your consideration.

Sincerely,



PRINTED ON RECYCLED PAPER

17294

July 17, 2000

USDA Forest Service-CAET
Attention Roadless Areas Proposed Rule
P.O. Box. 221090
Salt Lake City, UT 84122

Roadless Area Conservation Proposed Rule
Proposed Rule 36 CGF Part 294 & Draft EIS

Dear Sir or Madam:

I offer these comments to the Roadless Area Proposal published in the Federal Register May 9, 2000. On behalf of the people of North Dakota, I oppose the proposed rule, and ask that North Dakota be exempted for reasons stated below.

My overriding concern for objecting to the proposed rule and for seeking an exemption, is because of the status of the Proposed Revision of the Land and Resource Management Plan (Management Plan) for the Dakota Prairie Grasslands. The State of North Dakota provided comments to the proposed Management Plan on February 2, 2000, and sought cooperating agency status for the State and an immediate dialogue with Forest Service officials to refine the Management Plan in a way acceptable to the people of North Dakota.

Since that time, the Forest Service and the State of North Dakota, have expended hundreds of hours refining the Management Plan in a fashion we believe to be acceptable to the people of this state and interested parties. We are reaching agreements that will properly provide for multiple use and maintain the ecosystem of the Dakota Prairie Grasslands. However, the proposed Roadless Area rule will supercede those agreements and obliterate the acceptance of the Management Plan we've been able to foster thus far.

of the Tongass National Forest include

- Allowing use of forest resources will help to meet market demands for timber.
- A recent decision under the management plan provides for land use designations that restrict or prohibit road construction.
- If road construction were prohibited, approximately 95% of timber production for the next five years would be eliminated.
- The local economy is in transition from Forest Service timber sales.

North Dakota should be exempt from Roadless Area rule, for similar reasons.

- The Management Plan is well underway and will provide for multiple use and protection of the resource within the Dakota Prairie Grasslands, including backcountry, non-motorized areas.
- Implementation of the Roadless Area rule will supercede discussions now taking place concerning the Management Plan.
- North Dakota and the Forest Service have decades of successful experience reclaiming lands previously used for oil and gas development, reclaiming 500 oil well locations and 480 miles of roads.
- The management of the Dakota Prairie Grasslands heavily influences the economies of local communities.
- Finally, oil and gas production from the National Grasslands represents 27% of the State's oil production, 30% of the oil supply for the BP Amoco Refinery in Mandan North Dakota, thereby helping to meet market demands for oil and gas. Oil and gas production from the Grasslands also contributes \$15 million in tax revenues annually.

For these reasons North Dakota requests that it be exempted from the proposed Roadless Area rule. Any roadless proposal for North Dakota should be the result of the forest management process, currently underway.

17294

2. The rule creates a risk of abandonment or loss of use of state and privately owned mineral and surface acres surrounded by or adjacent to Roadless Areas. State and privately owned minerals and surface contribute enormously to school budgets, local economies and the state general fund.
3. It does not identify the potential impact to the State and local economies. Although the DEIS identifies an analysis of impacts to timber production, no such analysis is present regarding oil and gas production and its impact to the State of North Dakota. In fact the proposed rule acknowledges that oil and gas production is likely to be reduced, but does not quantify the impact.
4. Restricting further access to public lands for oil and gas production runs counter to a sound national energy policy. Nationally, the proposal will take 50% of the Forest Service land base out of multiple use, reducing access for oil and gas production and making the United States more dependent upon foreign oil.
5. The Plan includes Roadless Areas, different than those included in the Proposed Revision of the Land and Resource Management Plan for the Grasslands. This variance creates confusion amongst the public, but also hampers the State and Forest Service from progressing towards implementing a new management plan.
6. Finally, the Plan calls for two parts to be implemented without fully identifying the "unroaded areas" that are to be identified in the management planning process. In short, the Plan suggests implementing a plan on public lands, without fully identifying what areas are to be effected.

The Western Governor's Association (WGA) has previously provided comment regarding the Notice of Intent to Prepare an Environmental Impact Statement to the Forest Service, has met with Chief Michael P. Dombeck, and has urged the Forest Service to work with western states before proceeding with the Roadless Plan, now under consideration. WGA has

17294

JUL 17 2000 12:42PM ND AG DEPT

NO. 001 P. 2

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19290

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON



PHONE (701) 328-2231
(800) 242-7535
FAX (701) 328-4567

600 East Boulevard, Dept. 602
6th Floor, State Capitol
Bismarck, ND 58505-0020

input and cooperation of western states to implement sound resource management that considers local input, and the impact to state and local economies.

Sincerely,

Edward T. Schafer,
Governor

July 17, 2000

Mike Dombeck, Chief
USDA Forest Service - CAET
P O Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

RE: Proposed Rule - Forest Service Roadless Area Conservation -36 CFR Part 294

Dear Mr. Dombeck:

I would like to thank the United States Forest Service for the opportunity to comment on the proposed Roadless Area Conservation Rule.

As I referenced in my January 20, 2000, comments on the **Proposed Land and Resource Management Plan - Dakota Prairie Grasslands 1999 Revision**, many agriculture organizations, ranchers, and affected local communities have been closely following the Forest Service's ongoing policy initiatives regarding Forest Service controlled grasslands in North Dakota. Again, I ask that special attention be given to the comments submitted by the impacted communities, industries, and individuals that make a living from activities directly related to the grasslands.

§ 294.10 Purpose.

The stated purpose of this subpart is to provide lasting protection in the context of multiple-use management for inventoried roadless areas and other unroaded areas within the National Forest System. Limiting agriculture producers' access to grasslands does not achieve a true multiple-use management system.

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NO. 001 P. 3

19290

Dombeck
July 17, 2000
Page Two

§ 294.12 Prohibition on road construction and reconstruction in inventoried roadless areas.

Many ranchers and private landowners fear access to grasslands will be so limited that the use of the land for agriculture purposes will be severely restricted. Language in this section appears to perpetuate this belief. The Forest Service's preferred alternative would prohibit road construction and reconstruction in unroaded portions of the grasslands. Agriculture producers (permittees) need to access public lands to conduct normal maintenance or conduct emergency services. Lack of access and prohibition of road construction or reconstruction appears to go against the proposed land and resource management plan which may require permittees to continually access certain grasslands tracts in order to monitor conditions to ensure the tracts are being managed in accordance with Forest Service requirements.

I support Alternative 1 (No Action, No Prohibitions) at this time. I agree that future proposals for road construction and reconstruction should be considered on a case-by-case basis. Until there is a joint assessment of all the transportation and access needs by all local affected parties, it is difficult for me to support Alternative 2 (Forest Service Proposed Action and Preferred Alternative).

§ 294.13 Consideration of roadless area conservation during forest plan revision.

Procedural alternatives outline how local grasslands managers should address roadless characteristics in future projects or revisions of resource management plans. It is important to local interests that they have input into the evaluation of the importance of roadless areas during local planning. Again, this can be accomplished on a case-by-case basis.

I support Alternative A which indicates that no procedures would be established directing local managers to evaluate the roadless area characteristics during local planning. I believe the local managers need to meet with local interests and evaluate access and road systems on a case-by-case basis as questions are raised. Alternative B (Forest Service Proposed Action and Preferred Alternative) appears to place local managers in a prescribed system that would prohibit the manager from being flexible as different circumstances arise in each case.

One of the key public issues is the impact that access determinations will have on local economies. We must ensure that local communities have a strong role in determining acceptable impact. It is also imperative that agriculture producers continue to have

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the ability to access grasslands in order to conduct normal maintenance and deal with emergency situations. An evaluation, conducted by the assistance of local interests, must be completed first to determine where problem areas potentially exist.

If I can be of further assistance, please feel free to contact Ken Junkert of my staff at 701-328-4764.

Thank you for consideration of my comments and recommendations.

Sincerely,


Roger Johnson
Commissioner of Agriculture

RJ:kj

CC: United States Senator Kent Conrad
United States Senator Byron Dorgan
Congressman Earl Pomeroy
Secretary of Agriculture Dan Glickman
Governor Edward T. Schafer
Dale Patten, HAND
North Dakota Farmers Union
North Dakota Farm Bureau
North Dakota Stockmen's Association

g:\ken\grassroad



**NORTH DAKOTA
HOUSE OF REPRESENTATIVES**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Rep. Audrey Cleary
District 49
104 Seminole Avenue
Bismarck, ND 58501

COMMITTEES:
Human Services and Veterans Affairs
Transportation

July 12, 2000

USFS c/o Alaska Rainforest Campaign
406 G. Street #209
Anchorage, Alaska 99501

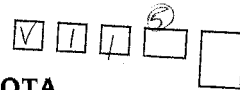
Dear Sir,

Please support President Clinton's plan to protect the remaining roadless wildlands of our national forests, including Alaska's Tongass and Chugach National Forests. Alaska is the last frontier and I want it to be there in all it's pristine beauty for my children and grandchildren to enjoy. Most of our country is overtaken by urban sprawl. Let's keep these areas as natural as possible.

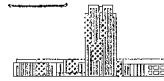
My husband and I spent several weeks in Alaska last summer and we were impressed with its natural and awesome beauty. We were especially pleased to hear that snowmobiles are *not* allowed in many areas of Denali National Park. Please keep these wilderness areas as beautiful and wild as the Creator intended.

Sincerely,

Audrey Cleary
Audrey Cleary
North Dakota State Representative



17286



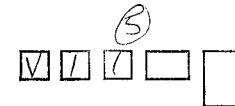
Representative Todd Porter
District 34
704 Sixth Avenue NE
Mandan, ND 58554-3422

**NORTH DAKOTA
HOUSE OF REPRESENTATIVES**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Human Services
Natural Resources



19315

PAID RECEIVED

JUL 12 2000

July 6, 2000

USDA Forest Service-CAET
Attn: Roadless
P. O. Box 221090
Salt Lake City, UT 84122
Email: roadlessdeis@fs.fed.us

Re: Roadless Area Conservation Proposed Rule
Proposed Rule 36 CFR Part 294 & Draft EIS

Dear Sir or Madam:

Thank you for allowing me to comment on the Roadless Initiative. I am opposed to the Roadless Initiative and urge the Forest Service to postpone the implementation of this rule in the Dakota Prairie Grasslands. This rule will have a devastating impact on the oil and gas industry in North Dakota and the economy and well being of the state of North Dakota. The following facts support my opposition to the Roadless Initiative:

- The Dakota Prairie Grasslands hold 27% of the state's oil production and 30% of the state's producing wells and provides nearly 1,000 jobs brings in nearly \$15 million per year in tax revenues and only temporarily disturbs less than one-half of one percent of the grasslands surface area.
- The oil industry in ND has explored and drilled the grasslands for the past 50 years and has restored over 500 wells and 480 miles of roads. This represents more than 5,500 acres returned to vegetation after the oil and gas reserves were depleted and 45% of all roads constructed by the oil and gas industry.
- The oil and gas industry and other users along with wildlife can all co-exist in the Dakota Prairie Grasslands because reclamation is fast, effective, and very successful. That may not be true in National forests in other states where reclamation can be more of a challenge.
- The BP Amoco Refinery in Mandan receives 36% of its supply from the grasslands; the roadless plan places the future of the refinery at risk. The importance of allowing multiple use on public lands is extremely important to our state and the ability of the oil and gas industry to provide a cheap energy source to our citizens.
- Currently, 67% of the oil reserves in the U.S. lie under federal lands. In the past ten years access has decreased by 60% and the Forest Service plans under consideration will make that much worse. The nation's dependency on foreign oil has increased to 58% on a daily basis. Responsible access to oil and gas reserves is critical to our nations energy supply.

This one-size fits all program does not meet the needs for management of the Dakota Prairie Grasslands in ND. Oil and gas reserves in ND can be developed on public lands by the oil

Page 2

industry with little environmental impact and technology continues to lessen the impact of production and enhance the reclamation efforts. The BP Amoco Refinery in Mandan is a prime example of industry and nature working in harmony. The financial impact to Mandan through lost jobs and property taxes by implementation of this plan would be devastating.

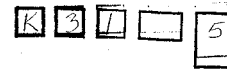
Please reconsider implementing this rule.

I appreciate your thoughtful consideration of my comments.

Sincerely,


Representative Todd Porter

19315 -



6345



BILLINGS COUNTY

Board of Commissioners



Phone: (701)623-4377

PO Box 168 MEDORA, ND 58645

Fax (701) 623-4896

District 1
Philip Malkowski
(701)575-4965

District 2
Wesley Schuhrke
(701) 225-6586

District 3
Jerry Redmond
(701)575-4528

June 21, 2000

USDA Forest Service-CAET
Attn: Roadless
P. O. Box 221090
Salt Lake City, UT 84122
Email: roadlessdeis@fs.fed.us

Re: Request for Extension on Comments
Proposed Rule 36 CFR Part 294 & Draft EIS

Dear Sir or Madam:

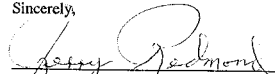
Billings County, Medora, North Dakota, respectfully requests a 90-day extension of the comment period on the Forest Service (FS) Proposal for Future Management of Roadless Areas/Draft Environmental Impact Statement published in the May 9, 2000 Federal Register. The 60-day comment period that will close on July 17, 2000 does not provide sufficient time to analyze the documents and prepare comments.

There are currently six plans, rules, or initiatives the Forest Service is attempting to implement. The size and complexity of them makes it extremely difficult to understand and comment on each. The FS, in conjunction with the release of the proposal and DEIS, scheduled 300 public meetings throughout May and June. The later meetings are for public input regarding the proposal. Therefore, it is necessary to have the proposal thoroughly analyzed prior to the hearings/meetings in June. The comment time frame actually provides for approximately 30 days to review nearly 1,000 pages that affect over 55 million acres. Again, this is not a sufficient comment period for such an important issue.

Additional time will afford the public the opportunity to provide the Forest Service with more thorough responses, thus aiding the agency in achieving a more mutually acceptable management approach.

We appreciate your thoughtful consideration to this request and look forward to hearing from you.

Sincerely,


Jerry Redmond, Chairman


Philip Malkowski, Commissioner


Wesley Schuhrke, Commissioner

cc: Governor Ed Schafer
Senator Kent Conrad
Senator Byron Dorgan
Rep Earl Pomeroy



BILLINGS COUNTY

Board of Commissioners

Phone: (701)623-4377

PO Box 168 MEDORA, ND 58645

Fax (701) 623-4896

District 1
Philip Malkowski
(701)575-4965

District 2
Wesley Schuhrke
(701) 225-6586

District 3
Jerry Redmond
(701)575-4528

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Billings County, North Dakota
Comments on USDA Forest Service Roadless Proposal
July 17, 2000

Page 2

Illegal Roadless Designations

The Forest Service's proposal to designate as roadless over 200,000 acres within the Dakotas National Grasslands is illegal. These areas cannot legally be deemed roadless by the federal government because North Dakota law established rights-of-way for roads along section lines on all public lands in the state. North Dakota Attorney General Heidi Heitkamp has issued a binding legal opinion which establishes that public roads may be constructed along rights-of-way on federal land in ND under the state's section line law and that they are not eligible for federal agency roadless designation or management. Her opinion concludes that the federal government must honor these rights-of-way. Therefore, we demand that the Forest Service exempt lands in North Dakota from the Roadless Initiative.

Impact of Proposed Rule

Under the proposed rules, the FS asserts, "The only negative effects expected during the transition period would be from reduced timber harvest and mineral exploration and extraction." The FS goes on to actually predict the expected reduction in timber harvest and revenue. However, no such prediction is made for energy and mineral resources. We find this shoddy analysis untenable. For the Forest Service to suggest such impacts without specifying the projected loss of mineral revenue and opportunities to develop energy and mineral resources as a result of the new regulation and its transition period is inexcusable. This oversight is exceptionally grim given the fact that the agency insists it does not have the funding to maintain its current road system, particularly in light of the federal, state and county revenues generated by oil and gas activities on the NFS. We advocate that the FS clarify the projected impacts from the proposed rule on the energy and minerals industries and modify the proposal to reduce or eliminate such impacts to our local economy and to our domestic energy and minerals supplies.

Inadequate Economic Evaluation

The economic analysis performed by the Service fails to even identify and clarify the genuine need for the proposed regulations. It is our understanding that the Office of Management and Budget recently released guidance, which standardized how to measure costs and benefits of a proposed rule. As such, the agency must determine whether the problem has cropped up due to a "significant market failure" or some other necessity. It is further mandated that "if the problem is not a significant market failure, you should provide an alternative demonstration of compelling need." This omission occurs despite the fact that the Service must identify the problem it plans to focus on as well as determine the significance of the problem. Moreover, the analysis does not meet the requirement for an economic analysis of regulation. We oppose the proposed rule and recommend that it be withdrawn in order for the FS to conduct the requisite analysis prior to making the assumption that a new rule is, in fact, necessary.

July 14, 2000

USDA Forest Service-CAET
Attn.: Roadless
PO Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Re: Proposed Roadless Area Management Comments

Dear Sir:

Billings County, North Dakota is submitting these comments on the US Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. Federal lands comprise approximately 50 percent of Billings County, of which 30 percent has been inventoried as ostensibly "roadless." The federal land in Billings County is acquired land, purchased by the federal government from the county and private landowners in the 1930's. The county's share of the federal revenue totals approximately 85% of the county's budget. Billings County reserved 6.25% royalty interests when the lands were purchased by the federal government and the county claims mineral interests on 54% of what is now inventoried roadless areas. We oppose not only this current proposal, but also oppose the rule's encouragement to local Forest Service managers to seek or locate additional large areas for future roadless consideration.

We oppose the proposal to ban new road construction and manage inventoried roadless areas as de facto wilderness because it will have a devastating impact on our county revenue. The federal government has an obligation to ensure that rural communities are not adversely affected by federal land use decisions. Nevertheless, the roadless area initiative will severely impact our rural communities and our economy by significantly restricting access to the federal lands for grazing and oil and gas exploration and production, uses upon which the County relies as its economic base. At a minimum, this initiative severely affects oil and gas activities by withholding high potential areas from leasing, classifying currently leased areas as roadless or imposing highly restrictive stipulations (no surface occupancy) in situations where less restrictive requirements (seasonal use) would be effective. In so doing, the proposed rule not only precludes access but also significantly increases the cost of doing business in our county. Grazing activities will be equally affected due to reduced roaded access required to manage livestock and the likelihood that many areas would be unavailable for grazing activities.

Billings County, North Dakota
 Comments on USDA Forest Service Roadless Proposal
 July 17, 2000

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Inadequate Cost-Benefit Analysis

It is extremely troublesome that the FS has not completed a cost-benefit analysis on the proposed rule. We are enormously concerned that the assessment does not provide quantitative estimates for the wide variety of cost-benefit categories affected by the proposed rule. Of additional concern, is that the agency does not even provide adequate support for the qualitative discussion of costs and benefits. Moreover, the benefits claimed in the proposed rule are not justified through the analysis. Clearly, the sweeping nature of the proposal requires a much more in-depth analysis than the FS has conducted.

Oil and Gas Resources

The Dakota Prairie Grasslands hold 27% of the state's oil production and 30% of the state's producing wells and provides nearly 1,000 jobs. The oil industry's activities on the grasslands bring in nearly \$15 million per year in tax revenues and only temporarily disturb less than one-half of one percent of the grasslands surface area. Please note that the oil industry in North Dakota has explored in and drilled on the grasslands for the past 50 years and has restored over 500 wells and 480 miles of roads. This reclamation constitutes more than 5,500 acres returned to productive vegetation after the oil and gas reserves were depleted and the elimination of 45% of all roads constructed by the oil and gas industry.

In its study entitled, *Natural Gas, Meeting the Challenges of the Nation's Growing Natural Gas Demand*, the National Petroleum Council estimates there are 460 trillion cubic feet (TCF) of remaining natural gas in the Rocky Mountain states. About 288 TCF of this resource occurs on federal lands, of which the Forest Service controls 8 percent. NPC also estimates that another 2 TCF on Forest Service lands are threatened by potential new wilderness designations. When one adds this new proposal to those areas already unavailable, potentially unavailable or highly restricted, the consequences are extreme.

Evidently, the Forest Service has ignored its own minerals policy which states the agency's intent is to "meet most demands for access to explore for and develop mineral resources, except when doing so would pose unacceptably high risks to other resources." Under the Roadless Initiative, lands unavailable for oil and gas leasing and development would leap from the current **22 percent** (wilderness) to **50 percent of the agency's total land base**. Therefore, we oppose the current proposal because it will have a **severe impact** on western state and local economies. We dispute the claims that clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities can be adequately protected only through preservation of inventoried roadless areas. The National Forest Management Act (NFMA) requires the agency to manage the entire NFS, outside of designated wilderness, with full consideration and mitigation of these resource values.

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Billings County, North Dakota
 Comments on USDA Forest Service Roadless Proposal
 July 17, 2000

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Oil & Gas Activities should be exempted from the Roadless Initiative

The Forest Service states that only 40 percent of the NFS roads are maintained to established safety and environmental standards, the backlog on arterial and collector roads alone is estimated to be over \$10 million, and current funding levels are inadequate to maintain existing roads to planned standards. These are some of the professed reasons for the road initiative.

The Forest Service appears to have also disregarded the fact that the oil and gas industry **privately** funds construction, maintenance and reclamation of all roads required to explore for and produce oil and gas resources. The petroleum industry does not look for financial assistance from the Forest Service nor any other federal agency for its road construction needs. Moreover, it must be recognized the oil and gas activities are temporary uses that are reclaimed to a natural condition once operations have been completed. There are many examples of reclaimed oil and gas sites in currently designated wilderness. Is this proposed rule truly aimed at the funding question or is it really focusing on a new manner in which to preclude multiple use activities on Forest Service lands? We believe the explanation is the latter and we oppose that goal.

Poor Forest Service Management

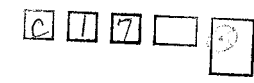
Billings County has significant concerns regarding the manner in which the federal government manages its lands. An example is noxious weed control. The federal government did not start its program to control noxious weeds until the situation had become critical. Due to that lack of foresight on the federal government's part, the county has had to institute a large budget and several employees to address the severe weed problem that is overtaking the entire county. Clearly, lack of access will only make the problem worse. This initiative grossly underestimates the cost of implementation on counties and ignores the example of disastrous non-management and inaccessibility for many management programs, including fire prevention and protection, as experienced in the recent fires in New Mexico and other states, and should be withdrawn.

Flawed Management Approach

By focusing only on roadless areas, the Forest Service is circumventing the NEPA/planning process, which mandates full consideration of **ALL** uses. The purpose of the land and resource management planning process as required by the National Forest Management Act is to consider all uses equally to determine the best management plan for site-specific areas. Imposing a "one plan fits all" approach geared toward a non-management philosophy to land management eliminates local flexibility and disregards the individual resource needs of a specific areas.

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Billings County, North Dakota
Comments on USDA Forest Service Roadless Proposal
July 17, 2000

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Conclusion

Billings County strongly opposes the proposed rule and urges the Forest Service to withdraw the proposed rule, or at a minimum, exempt the Dakota Prairie Grasslands from the Roadless Initiative. First, as mentioned previously in these comments, a roadless management designation is illegal under North Dakota law. Second, these lands do not qualify for a roadless designation since they are covered with existing roads. Therefore, they should be managed in keeping with the economic interests of North Dakota. Please do not hesitate to contact us if you have any questions regarding our comments,

Sincerely,

Jerry Redmond, Chairman
Billings County Board of County Commissioners

- cc: The Honorable Byron Dorgan, United States Senate
- The Honorable Kent Conrad, United States Senate
- The Honorable Earl Pomeroy, United States House of Representatives
- The Honorable Ed Schafer, Governor

McKenzie County Grazing Association
P.O. Box 572
Watford City, ND 58854
(701) 842-3384 - Phone
(701) 842-6046 - Fax
mcga@ruggedwest.com

CAET RECEIVED
JUL 17 2000

July 14, 2000

USDA Forest Service-CAET
Attn: Roadless
P.O. Box 221090
Salt Lake City, UT 84122

Dear Sirs:

The McKenzie County Grazing Association hereby adopts the attached resolution as its official response to the President's Roadless Initiative.

One additional comment from MCGA is that U.S. owned historical documents, agencies records and Federal District Court proceedings show that the National Grasslands in McKenzie County were purchased as Agricultural projects under the authority of the 1933 National Recovery Relief Act.

This history and court orders make a roadless plan for the National Grasslands both illogical and illegal since roadless areas were not a purpose for the repurchase program.

Sincerely,

Keith Winter
President

Frances M. Olson, Auditor

Office of the County Auditor
McKenzie County
PO Box 543
Watford City, North Dakota 58854-0543
Telephone: 701-842-3616 Fax: 701-842-4113
email folson@4eyes.net

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Debora Johnston, Deputy

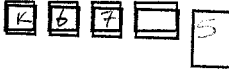
Resolution of McKenzie County
7/14/00
Page 1 of 5

16105

July 14, 2000

USDA Forest Service-CAET
Attn: Roadless
PO Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000



Dear Sirs:

The McKenzie County Board of Commissioners adopted the enclosed resolution regarding the roadless initiative at their regular July meeting.

They appreciate this opportunity to comment and request that this information be given careful consideration.

Sincerely,

Frances M. Olson
McKenzie County Auditor

RESOLUTION OF McKENZIE COUNTY NORTH DAKOTA

The County Board of Commissioners in and for McKenzie County, a political subdivision of the State of North Dakota, being duly convened and with all members of the Board of Commissioners being present, and having held considerable discussion in regard to the U.S.D.A. Forest Service proposed road less initiative has determined the following:

WHEREAS, McKenzie County is the largest county in the State of North Dakota;

WHEREAS, McKenzie County is bounded on the north and east by the Missouri River, now largely consisting of a man made lake due to the Garrison Dam which was a Federal Project unwantingly imposed upon the people of McKenzie County, and which destroyed the most valuable farmland in McKenzie County, and which has created a permanent barrier for travel and commerce to and from McKenzie County that is financially impractical to overcome;

WHEREAS, McKenzie County is bounded on the west by the Yellowstone River and there are but two bridges allowing travel to and from McKenzie County from the west across the Yellowstone River;

WHEREAS, McKenzie County is bounded largely to the south by the Little Missouri River and there are but two bridges that allow travel across said river in high water;

WHEREAS, the rivers and dam that surround McKenzie County virtually make it an inland island, which impedes commerce;

WHEREAS, McKenzie County economy consists primarily of agriculture as its base industry, including cattle, small grains, oil seeds, and other produce which require transportation to and from market and that roads are critical for raising these products to feed and supply the nation; and,

16105

the continued use and improvement of existing roads and construction of new roads are critical for this economy and the people who live not only in McKenzie County, but through out the nation;

WHEREAS, due to biological catastrophes caused by the federal government failing to prevent introduction of non-native plant species onto federal lands, noxious weeds have infested the National Grasslands, such as - leafy spurge, Russian thistle, spotted knap weed, etc., and due to the fact that the U.S.D.A. have failed to implement appropriate countermeasures to eradicate or prevent such infestation of noxious weeds on the National Grasslands the native grasses and wildlife are threatened by further infestation of noxious weeds which have spread from federal lands unto private lands and will continue to spread onto private lands; presently the only way to meaningful combat existing noxious weeds and prevent the further spread of the same is through application of chemical spray; and, the only way to provide limited use of such chemicals is with spot application which can only be done by ground driven motor vehicles requiring roads;

WHEREAS, the National Grasslands periodically experiences fires caused by various sources (including for example failure of a federally owned power pole in the fall of 1999); and fires upon the National Grasslands threaten private land intermingled with such federal lands, and destruction of private property, homes, and threats to the safety and lives of residents and firefighters occur when such fires take place; and since roads are necessary for McKenzie County to prevent, fight, control such fires when they occur, existing roads must be maintained, improved, and new roads constructed to assist in this regard; further, the experience of federal agencies in Los Alamos New Mexico demonstrates that the federal agencies are incapable of exercising common sense in the prevention of wild fires and further incapable of preventing massive destruction when such fires occur upon federal lands; accordingly, maintenance, improvement, and construction of roads upon the National Grasslands is necessary to protect the people who live in McKenzie County and the property of those who own land in McKenzie County;

WHEREAS, oil and gas exploration and production has been present in McKenzie County for at least thirty-eight years and there are vast oil and gas reserves in McKenzie County, many as yet undeveloped, which are crucial to the economy of McKenzie County, North Dakota, and the United States; said oil and gas production is further critical to the national security of the United States;

WHEREAS, real estate taxes primarily fund public works and schools in McKenzie County and North Dakota yet the federal lands that are located in McKenzie County provide no real estate taxes to benefit McKenzie

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County or North Dakota; rather funds in lieu of taxes are paid to McKenzie County through operation of the Bankhead Jones Farm Tenant Act; limiting maintaining of existing roads, improvement of existing roads, and the construction of new roads wrongfully and maliciously takes funds away from public works projects and damages the education of the youth in McKenzie County;

WHEREAS, most of the federal lands in McKenzie County were not always federal lands, but once were held privately and were reacquired by the federal government in various ways in the early and mid 1930's; as such the federal government condemned and took tens of thousands of acres that belonged to McKenzie County; through such takings McKenzie County negotiated and the federal government provided that McKenzie County would receive and did in fact receive 6.25% of all oil and gas from said lands together with ownership of all existing roads, right of ways; this is established and confirmed by condemnation judgments in Federal District Court and are binding upon the federal government; any attempt to now take away the rights to these roads and prevent development of royalty interests owned by McKenzie County would be conversion of property by the federal government and a taking without authority harming the people of McKenzie County and the State of North Dakota;

WHEREAS, the majority of private lands reacquired by the federal government in McKenzie County are "Land Utilization Agriculture Projects", now renamed "National Grasslands"; the primary purpose stated in condemnation proceedings for land so acquired was "establishment of a demonstrational area for the proper grazing of livestock", land so acquired by the federal government in McKenzie County is to be managed with intermingled private and state lands to benefit the economy and the people of McKenzie County and the State of North Dakota;

WHEREAS, it is established as a matter of law that Section Lines in North Dakota are in fact and in law public roadways, and the same having been confirmed by North Dakota Attorney General's opinion 2000-05, January 26, 2000; and state law provides authority for counties to build, maintain, improve or otherwise use section lines for roads, any attempt by the federal government to prevent the use of section lines for public roads, or to prevent or limit the improvement of such public roads which section lines are would be illegal, without authority, taking without compensation, and conversion of property rights owned by McKenzie County;

WHEREAS, oil and gas development and production and agriculture are dependant upon roads and there is a public need to maintain, improve and construct roads for such endeavors;

Resolution of McKenzie County
7/14/00
Page 4 of 5

16105

WHEREAS, it appears that the roadless initiative proposed for the National Grasslands is being pursued by the Forest Service for the desire of special interest groups who do not have knowledge or understanding of the National Grasslands nor the needs of McKenzie County and North Dakota or its citizens, nor who have a understanding of the present status of roads and roadways upon said lands and that such is not in the best interests of McKenzie County, North Dakota or the United States, but rather are the misguided and shortsighted vision of radical special groups, the roadless initiative is inappropriate and harmful to the National Grasslands and people who use them and the native plants that grow there and wildlife that inhabit the same;

WHEREAS, this issue is so crucial to the well being of McKenzie County and preservation of County assets that expenditure of County funds to resist, and if necessary to legally challenge, the roadless initiative should be authorized;

WHEREAS, all persons living in McKenzie County are critically dependent upon existing roads, improvement of roads, and construction of new roads for their livelihood, health, safety, and security;

BE IT THEREFORE RESOLVED THAT:

McKenzie County, a political subdivision on behalf of all persons living and working in and near McKenzie County and those desiring or needing to travel to or through McKenzie County and all those persons who have an ownership interest in property in McKenzie County, and for and in the best interests of the National Grasslands and the species that utilize the same, OPPOSES any operation or application of the road less initiative proposed by U.S.D.A. Forest Service for the National Grasslands; and, that the lands in the National Grasslands, in particular those lands in McKenzie County, should be withdrawn from such roadless initiative proposal immediately. And, that if not withdrawn, McKenzie County shall move forward with all available means to prevent the roadless initiative from becoming effective for the National Grasslands located in McKenzie County and shall if necessary initiate legal challenge to any such roadless proposal for lands located in McKenzie County.

Commissioner Anderson moved the adoption of the above resolution. Commissioner Chinn seconded the motion.

16105

This resolution adopted by unanimous vote of the full board of County Commissioners for McKenzie County this 6th day of July, 2000.

Richard Cayko
Richard Cayko, McKenzie County Commissioner

Roger Chinn
Roger Chinn, McKenzie County Commissioner

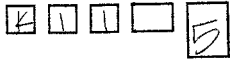
Harold Rolfsrud
Harold Rolfsrud, McKenzie County Commissioner

Orville Mjelstad
Orville Mjelstad, McKenzie County Commissioner

Ronald A. Anderson
Ronald Anderson, McKenzie County Commissioner

ATTEST:

Frances Olson
Frances Olson, McKenzie County Auditor



13531

**Testimony of the
North Dakota County Commissioner's Association**

June 28, 2000

Addressing

**U.S. Forest Service Proposed Rule
Regarding
Roadless Area Conservation**

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02/28/2000 12:30

The North Dakota County Commissioner's Association is an organization that has represented the 53 County Commissions and the 221 individual county commissioners of the State of North Dakota since 1905. Our Association is uniquely positioned to monitor and address issues that directly effect government service delivery to our citizens, the economic health of our communities, and the general welfare of our State.

While we understand the large task that faces the Forest Service in balancing the competing needs for our Nation's natural resources, we do not believe that adoption of this proposed rule is an appropriate step in achieving that balance. The grasslands region of North Dakota is an extremely important component of our State's economy, both through its contribution to agriculture and through the energy resources it contains. Now, particularly when our Nation faces escalating energy prices due to an over-reliance on foreign supplies, this region has become critical to the economy of the whole country.

While it may appear on the surface that the immediate effects of the proposed rule may be minimal, the broad "procedures for use" of these important lands suggest significant restrictions on their use. Our Association does not believe that an adequate outside economic analysis has been conducted of the full economic impact of this proposed rule. As stated in the resolution passed at our full-membership Business Meeting last October; *"This Association therefore urges independent, objective, and scientific research into the economic and social impact of the proposed changes in grassland management before such changes are made into policy."*

Thank you for the opportunity to express our interests and concerns in this matter.

**Resolution Adopted by the
North Dakota County Commissioner's Association
October 4, 1999**

99-12 Forest Service Grasslands Policy. The public grasslands under the control of the U.S. Forest Service have contributed to the economy and tax base of North Dakota through grazing, employment, energy development, tourism, recreation, hunting, and other uses. The public use of this resource has been the right and heritage in North Dakota for almost 70 years. The U.S. Forest Service however proposes policy changes that severely reduce grassland use by the public, including farmers and ranchers. These proposed changes affect ownership of road rights-of-way and restrict the roadway access necessary for energy development, tourism, camping, and game retrieval, adversely impacting our State's economy. This Association believes that the Forest Service should not proceed without objective, independent, scientific analysis to assess the impact of these proposed changes. This Association therefore urges independent, objective, and scientific research into the economic and social impact of the proposed changes in grassland management before such changes are made into policy.

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FRANK H. MURKOWSKI, Alaska, Chairman

PETE V. DOMERICK, New Mexico
DON NICKLES, Oklahoma
LARRY E. CRAIG, Idaho
BEN NORTHCOTE, Campbell, Colorado
CIANG THOMAS, Wyoming
ROBSON SMITH, Oregon
JIM BUNNING, Kentucky
PETER D. FITZGERALD, Illinois
SLADE GORTON, Washington
CONRAD BURNE, Montana

JEFF BINGHAM, New Mexico
DANIEL K. AKAKA, Hawaii
BRYAN D. BURDECK, North Dakota
BOB GRAMM, Florida
RON WYDEN, Oregon
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
EVAN BRYTE, Indiana
BLANCHE L. LINCOLN, Arkansas

United States Senate

JUN 21 10 05

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150
WWW.SENATE.GOV/ENERGY

ANDREW D. LINDQUIST, STAFF DIRECTOR
DAVID B. DYE, CHIEF COUNSEL
JAMES P. BIERRE, DEPUTY CHIEF COUNSEL
ROBERT M. SIMON, DEMOCRATIC STAFF DIRECTOR
SAM E. FOWLER, DEMOCRATIC CHIEF COUNSEL

June 20, 2000

The Honorable Dan Glickman
Secretary of Agriculture
United States Department of Agriculture
Room 213-A
14th Street and Independence Ave., S.W.
Washington, D.C. 20250

35-4156142 CAET RECEIVED
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Dear Secretary Glickman:

We are writing to express our concern that the President's new roadless area initiative will preclude the possible development of the proposed Pelican Butte ski area in southern Oregon. The ski area proposal, which was encouraged by the Forest Service, is currently undergoing the appropriate environmental reviews required by the National Environmental Policy Act (NEPA) and the President's Northwest Forest Plan. As a matter of fairness for those who have invested time, energy, and trust in this collaborative process, we believe some accommodation should be made for this unique case in any final roadless area plan.

As you may be aware, the Forest Service, in compliance with NEPA, is currently reviewing the proposed Pelican Butte ski area which would be located in the Winema National Forest near the town of Klamath Falls, Oregon. Under current regulations, the Pelican Butte ski area can only be approved through a site-specific Environmental Impact Statement (EIS). While the site-specific process does not guarantee approval of the ski area, it does provide a framework for evaluation of how recreational development can meet strict ecosystem management standards.

The Pelican Butte project is now very near completion of possibly the most rigorous environmental assessment ever conducted for a potential ski area -- an effort spanning three and one half years and expending over \$3.75 million. The Pelican Butte Ski Area EIS team has spent the past eight months studying the project's effects and expanding on studies prepared for the 800-page draft EIS that was released by the Forest Service in October of 1998. The Forest Service received more than 11,000 comments on the draft EIS, with overwhelming support from the Klamath Falls area. This strong local support is based on the economic expectations and societal benefits that this development represents to the people of southern Oregon, who have struggled to find economic development alternatives to the traditional forest products industries. A final EIS and Record of Decision on the Pelican Butte proposal are scheduled for completion in early 2001.

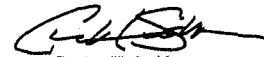
The Honorable Dan Glickman
Page Two

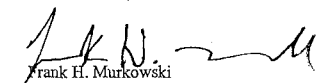
Now, however, it appears that the more recently proposed plan for the management of roadless areas, if completed as scheduled this year, will effectively block any future implementation of the Pelican Butte project. There is no indication from the Forest Service that any accommodation will be made in the final roadless plan for unique site-specific proposals, such as Pelican Butte.

We believe that allowing the new roadless area initiative to change the rules under which this ski area proposal is decided would be fundamentally unfair to the local rural community that has worked in good faith with the Forest Service through every step of the NEPA process. Short-circuiting this review when it is so near completion, would not only be wasteful and unfair, it would also send the wrong message to the thousands of people that have participated in the Pelican Butte project to this point.

For the above reasons, we would appreciate your assistance in ensuring that the Pelican Butte process is allowed to progress without regard to the roadless initiative, but in full compliance with current environmental law. We look forward to working with you on this important matter.

Sincerely,


Gordon H. Smith
United State Senator


Frank H. Murkowski
Chairman

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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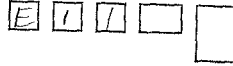
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United States Senate

WASHINGTON, DC 20510-3703



July 17, 2000

RON WYDEN
OREGON516 Hart Senate Building
Washington, DC
20510-3703
(202) 224-5244web site:
www.senate.gov/~wyden/

The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
14th & Independence Ave.
Washington, D.C. 20250

Dear Secretary Glickman:

Committees:

Budget
Commerce, Science
& Transportation
Energy & Natural Resources
Environment & Public Works
Special Committee on Aging

Oregon State Offices:

700 NE Multnomah St
Suite 450
Portland, OR 97232
(503) 328-7825

151 West 7th Ave
Suite 435
Eugene, OR 97401
(541) 491-0229

Sac Annex Building
105 Fir St
Suite 201
La Grande, OR 97850
(541) 962-7881

U.S. Courthouse
318 West 6th St
Room 118
Medford, OR 97501
(541) 858-5122

The Jamison Building
131 NW Hawthorne Ave
Suite 107
Bend, OR 97701
(541) 330-9142

707 13th St, SE
Suite 285
Salem, OR 97301
(503) 569-4556

Page 1 of 2

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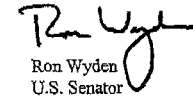
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07/17/00 19:10 P.003/003

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Agency and the National Marine Fisheries Service. It must also meet the stringent guidelines for management that foster the development of late successional reserve (LSR) forests and the protection of threatened and endangered species. However, considering the years of work that have been invested into this proposal by its proponents, the Klamath Falls community and this Administration, the Pelican Butte ski area Draft Environmental Impact Statement should be evaluated on the basis of the law and policy guidance that existed at the time that the decision was made to exclude westside forests from the roadless moratorium.

Sincerely,



Ron Wyden
U.S. Senator

I am writing, first, to reiterate my support for the Administration's efforts on behalf of protecting roadless areas. I support much of the President's roadless proposal for one reason: Protecting additional unspoiled areas can produce gains for our fish runs, habitat, and watershed quality that outweigh the benefits of commercial development on these lands.

Further, I wish to make you aware of my concern for what I believe may be an unintended consequence of the current roadless proposal. The Forest Service is currently considering the Draft Environmental Impact Statement for the construction of the Pelican Butte ski area in the Winema National Forest located near Klamath Falls in southern Oregon. In 1997, I urged the Administration to include the national forests on the west side of the Cascade mountains in the 18-month forest road building moratorium. Had my counsel been followed then, the placement of roads within the Pelican Butte project would have been decided three years ago. The Administration chose, instead, to exclude westside forests, and as a result, both the project proponents and the Forest Service have worked for the last three years in good faith on the understanding that new restrictions on roading would not apply in the Cascades.

Despite the years of effort and millions of dollars Pelican Butte has expended in order to address the significant environmental concerns raised by the Governor, myself, and your agency, the Administration's newest proposed rule to halt road construction in currently roadless areas would effectively bring to a halt the resort's efforts to meet these tough environmental requirements. Changing the rules of engagement in the middle of the game could raise a legitimate issue about the impact of the new proposal, and will only serve to increase the cynicism of the public about the fairness of the federal government's administrative process.

As I have stated earlier in correspondence to you, if it is to go forward, the Pelican Butte ski area must meet all the environmental hurdles laid out by the Forest Service, U.S. Fish and Wildlife Service, the U.S. Environmental Protection

Page 2 of 2

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GREG WALDEN
2d DISTRICT, OREGON
WASHINGTON OFFICE:
1404 LONGWORTH BUILDING
WASHINGTON, DC 20515-3702
TELEPHONE: (202) 225-0750

DISTRICT OFFICE:
843 EAST MAIN STREET
SUITE 400
MEMPHIS, OR 97604
TELEPHONE: (541) 776-4646
TOLL FREE: (800) 633-3303



Congress of the United States
House of Representatives

July 12, 2000

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GOVERNMENT REFORM
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NATIONAL ECONOMIC GROWTH, NATURAL
RESOURCES AND REGULATORY AFFAIRS

WEBSITE:
<http://www.house.gov/walden>
E-MAIL:
greg.walden@mail.house.gov

Congressman Greg Walden
July 12, 2000
Page 2

The Honorable Dan Glickman
Secretary of Agriculture
USDA Forest Service-CAET
ATTN: Roadless
P.O. Box 220190
Salt Lake City, UT 84122

Fax 877-703-2494

Dear Secretary Glickman:

I am submitting this letter for the record, pursuant to our discussion regarding the proposed Pelican Butte ski area. As you know, I am opposed to the President's roadless initiative. Although I believe its implementation is a forgone conclusion, I am concerned with the effect that the roadless initiative will have on the planned ski area.

You asked me to provide you with information regarding the ongoing development by the Forest Service of the Pelican Butte environmental impact statement and the President's roadless area initiative (64 Federal Register 56306, October 19, 1999). I am concerned by recent statements of the Forest Service that the new roadless initiative will supercede the ongoing EIS process and undermine all environmental planning that has taken place since 1996 on the proposed Pelican Butte Ski Area in southern Oregon.

Under current regulations, the Pelican Butte Ski Area can only be approved through a site-specific EIS. The ski area proposal has been undergoing environmental review by the Forest Service since October, 1996. A Draft Environmental Impact Statement (EIS) was released November 6, 1998; an extended public comment period, during which 11,000 public comments were received, closed February 26, 1999. The Forest Service is working closely with other federal and state agencies, local governments, and the Klamath Tribes to address issues raised during the public comment period.

The site-specific process does not guarantee approval of the ski area. It provides a framework for evaluating how, through the rigorous case-by-case review required under the Northwest Forest Plan, recreational development can meet strict ecosystem management standards and provide needed economic diversification for a rural community.

The Forest Service has indicated that site-specific analyses such as the Pelican Butte process will be allowed to continue while the Forest Service develops the rule to implement the President's initiative. I am deeply concerned, however, by the Forest Service's recent announcement that the Pelican Butte EIS will not be completed until next year, after implementation of the proposed roadless regulations. The site-specific EIS process will be terminated despite years of effort and public review.

The focused scientific analysis of the ongoing Pelican Butte EIS should not be overturned by the swift implementation of a new roadless policy. I would appreciate your assistance in ensuring that the ongoing Pelican Butte EIS process will be exempt from any change in the federal regulations as a result of the President's new Roadless Area Initiative.

Once again, I ask you to exempt the Pelican Butte area from the roadless initiative and allow for the open public planning process to continue. Don't throw out years of hard work and public review.

Sincerely,

Greg Walden
Member of Congress

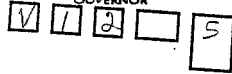
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JOHN A. KITZHABER, M.D.
GOVERNOR



June 21, 2000

The Honorable Dan Glickman
Secretary of Agriculture
U. S. Department of Agriculture
14th & Independence Ave.
Washington DC 20250

Dear Secretary Glickman:

The Forest Service is currently considering a proposal to construct a ski area on Pelican Butte in Southern Oregon near Klamath Falls. As you can imagine, the proposal has been controversial during its four years of consideration by the Forest Service and the public as well.

In response to the Draft Environmental Impact Statement issued a year-and-a-half ago I listed a number of significant environmental hurdles the project would need to overcome in order for it to gain my support. The Forest Service and Pelican Butte Corporation have made a good-faith effort in that time to address these issues for inclusion in the EIS. The final decision is to be made early next year. The recent proposal to prohibit road construction in inventoried roadless areas would immediately halt the project because of its need to have an access road to service one of the lifts.

In light of how far down the road this project is and the effort being made by the proponents to address environmental concerns, I ask that you consider allowing this project to proceed through the existing assessment process without being blocked by the proposed roadless area rule.

Sincerely,

John A. Kitzhaber, M.D.

JAK/NR/sm

254 STATE CAPITOL SALEM, OREGON 97310-4001

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JOHN A. KITZHABER, M.D.
GOVERNOR



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CAET RECEIVED
JUN 17 2000

July 17, 2000

Chief Mike Dombeck
USDA Forest Service - CAET
PO Box 221090
Salt Lake City UT 84122

Dear Mike:

I am writing to provide the State of Oregon's comments on your Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

Context

My comments are based on three principles which have helped guide my approach to forest policy over the course of my administration. These principles are: (1) the need for an overarching policy objective to guide forest management; (2) the need to utilize a landscape approach for planning and management; and (3) the need to maintain, to the greatest extent possible, options for future management.

These principles lie at the heart of both the Oregon Plan for Salmon and Watersheds and the recommendations I have made to the Oregon Board of Forestry concerning the management of the Tillamook State Forest. As you know, these principles also provide the underpinning of our Eastside Forest Health strategy. As a preface to my comments on the Proposed Rule, let me briefly discuss these principles in more detail.

Overarching policy objective -- Forest management policy brings together three legitimate, but often conflicting, values: social, environmental and economic. I believe that a sustainable forest management policy must provide a common denominator that acts as a guidepost by which these values can be balanced in the context of the management plan. Furthermore, I believe that this overarching policy objective must be to promote watershed and ecosystem health.

I want to emphasize that choosing this objective does not mean that we are elevating the importance of one value over another -- it does not imply a priority among the range of values we are attempting to balance. Rather, it is a recognition of the fact that a healthy watershed is the fundamental building block from which all the other beneficial uses of our forest flow. We

Chief Mike Dombeck
July 17, 2000
Page 2

cannot provide sustainable forest products, assure clean water and provide habitat for species unless we first have a healthy functioning ecosystem. The three legs upon which the strategy stands -- social, environmental and economic -- are all interwoven and are dependent first on a healthy functioning watershed.

Landscape approach - To achieve the objective of watershed and ecosystem health, I believe that a landscape approach is required. Only with such an approach -- where all of the components of the natural system are considered on a broad scale -- can an effective and sustainable land management strategy be developed. Roadless areas are key components within such a landscape and, in fact, are often anchors for quality habitat and pure water.

Maintaining future options - Finally, I believe that in the development of a prudent land management policy, some thought must be given to future management options. In other words, we must strive to leave as many options as possible for the management of natural resources. These roadless areas, in many cases, are the last unprotected natural systems. They are virtually undisturbed and contain priceless information on the workings of natural systems and the effects of our management on those systems. This information will provide future generations with opportunities for their own research and management.

Before turning to the Proposed Rule itself, let me note that one of the challenges in meaningfully assessing it was the difficulty in determining its specific impacts on the forests and communities of Oregon. While I understand this is a rule developed for national application, it would have nevertheless been much more helpful to have had at least a state-by-state analysis of the condition of roadless areas, along with the impacts of the proposed restrictions and procedures. I encourage you to include such a state-by-state analysis in your Final EIS, if at all possible. Please see the enclosed memoranda in which we suggest that certain issues be further explored in your Final EIS and Rule.

Comments on Proposed Rule

Let me now turn to the Proposed Rule. The Rule contains two principal sections. The first section provides "protection" measures for the remaining portions of roadless areas. The second section provides "procedures" for managing unroaded areas -- that is, those unroaded areas that were not inventoried in RARE II. Your preferred alternative for "protection" measures is to ban new road construction and reconstruction in those portions of inventoried roadless areas that currently have no roads. Your preferred alternative for "procedures" is to assess the unroaded areas in the next forest planning process.

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Chief Mike Dombeck
July 17, 2000
Page 3

Section One: Protections

While generally supportive of your proposal to prohibit new roads in inventoried roadless areas, I find the alternative to be both too restrictive and not restrictive enough. The rule should be less restrictive in disturbance-based forests -- such as Oregon's lower elevation eastside forests -- which have a regular fire regime. In these forests, overly dense stands, primarily of white fir, have developed in traditionally ponderosa pine stands and threaten the old growth we want to protect. To address this, these stands need a reduction in both competition and potential fuel loads to the point where the natural system can take care of itself. Returning these forests to a properly function condition is the best way to ensure their long-term health.

For that reason, I suggest that the Proposed Rule be modified to permit the construction of temporary roads to allow stewardship logging when such activity is deemed necessary for the protection of old growth. Such roads would be obliterated after the management activity. This approach is consistent with the need to restore these areas (like Oregon's eastside forests) to natural processes where fire has been suppressed in the past.

The Proposed Rule should be more restrictive in that the logging that does take place in these roadless areas should be limited to stewardship logging with the objective of protecting watershed and ecosystem functions. Consistent with this objective, this logging should never include the oldest class of trees on the site; should employ low- impact equipment to reduce or eliminate damage to soils; and should be a one-time entry into an area sufficient to allow reintroduction of fire at the completion of the stewardship logging. *The definition of stewardship logging is provided in your DEIS Summary and Proposed Rule (Page S-8, DEIS summary).*

For forests that are not disturbance-based, such as Oregon's Westside forests -- or higher elevation forests on the eastside of Oregon -- I endorse your limitations on new road construction.

Finally, since the Administration has undertaken this controversial effort, it is important that what emerges is a comprehensive understanding concerning the management of roadless areas. For that reason, I recommend that you consider including roadless portions of Congressionally-designated federal lands in your protections. This would include such Congressionally-designated areas as the Hells Canyon National Recreation Area, the Newberry National Volcanic Monument, the Oregon Cascades Recreation Area, and federal lands within the Columbia River Gorge Scenic Area and Wild and Scenic River corridors. While these roadless areas are significant in themselves, their relationship to other roadless areas that are being addressed in this rule must be understood. This is consistent with my view of the importance of taking a broad landscape approach to forest management.

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Chief Mike Dombeck
July 17, 2000
Page 4

Section II: Procedures

While I agree with your proposed approach of developing a process to assess how to manage the unroaded portions of 1990 forest plans, I see no reason to wait for the forest planning process to begin. Though these areas may be less than 5,000 acres in size, they can still be very important ecologically. Indeed, a low elevation unroaded area of only 1,000 acres in size may be just as significant as a 10,000 acre unroaded area high in the mountains, in terms of biological diversity and rare habitat.

Therefore, I believe that interim assessments should be undertaken on these lands, giving consideration to the criteria I have identified in the attached "guidelines." These "guidelines" essentially follow the list of characteristics in your Proposed Rule, except for the major new criterion of connectivity. Thus, I recommend your adoption of "Alternative D" which would provide a project-by-project analysis as a transition to the forest planning process at the time of the next plan revision.

Thank you for considering my comments.

Sincerely,



John A. Kitzhaber, M.D.

JAK:NR:sm
Enclosures

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STATE OF OREGON
ANALYSIS OF PROVISIONS OF
PROPOSED RULE REGARDING PROTECTION
OF INVENTORIED ROADLESS AREAS

There are several aspects of the Proposed Rule for protection of inventoried roadless areas which need further elaboration and description. These provisions concern both roads and logging in the various alternatives.

PROVISIONS ON ROADS

The following provisions on roads need further clarification:

1. Unroaded Areas and Unroaded Portions of Inventoried Roadless Areas.

The definition section, Section 294.11, defines the "unroaded portion of an inventoried roadless area" as "[a] portion of an inventoried roadless area in which no classified road has been constructed since the area was inventoried." (Emphasis added.) Similarly, an "unroaded area" is defined as "without the presence of a classified road." (Emphasis added.)

It is not clear from these definitions whether the boundary of the "unroaded area" or "unroaded portion" is to be drawn directly adjacent to roads or is to be drawn out away from the roads to exclude areas where logging operations have occurred, or to exclude the general impact area of the road. The "presence" of roads can vary dramatically among the roadless areas. The situations range from the "presence" of a "cherry-stem" road which extends out into a roadless area and has few or even just one logging unit associated with it, to a situation where there is a main road with several branching roads and numerous logging units associated with these smaller roads. Though the focus of the Proposed Rule is clearly on roads, rather than on associated logging units, and though the description of the Proposed Rule makes clear that it has nothing to do with potential wilderness designations, it appears that some forests may broadly define "roaded" areas of the inventoried roadless areas. For example, the Siuslaw National Forest is apparently using the guidelines used to originally designate areas under RARE II, which was a process which did not merely look at roaded areas, but also excluded areas where there had been logging.

It would be helpful for the Administration to more clearly define what it means by an "unroaded area" and an "unroaded portion of an inventoried roadless area." Clearly the most manageable boundaries are those provided by roads themselves, yet the Forest Service should allow some buffer between the road and roadless area, whether it be ten feet or 200 feet.

2. Road Closures.

We assume that if a road has been closed since the RARE II inventory that it is considered to no longer exist under the Proposed Rule. An example of our concern is on the Fremont National

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Forest where there was a pre-existing road at the time of the RARE II analysis, separating the Antler and Buck Creek roadless areas. In the 1990 Forest Plan, the Fremont National Forest closed this road to create a semi-primitive non-motorized area encompassing both roadless areas. Though this road has been closed for the past 10 years, the Forest Service apparently shows this combined roadless area as being two distinct roadless areas.

A number of old roads within the roadless areas which were constructed after the RARE II inventory are now overgrown with trees and brush so that the areas are again functionally roadless. It would be helpful if the Forest Service in the Final EIS and Rule would clarify whether these roads should be re-opened and maintained. In some situations, where there is erosion and sedimentation, it may be preferable to do maintenance work on the road. However, if the road is currently naturally rehabilitating itself, and where the originally RARE II inventoried area is again functionally roadless, should the Forest Service reenter the area and maintain the road to its listed functional capacity? This analysis should be included in the local road system management plans.

Some Forests are apparently interpreting the Proposed Rule in such a way that it could discourage future road closures within and surrounding RARE II inventoried roadless areas. The concern of these Forest Service people is that a road closure would essentially expand the size or area of the roadless area. We believe that it is important that ongoing programs of road closures continue and not be discouraged by the Proposed Rule. We have observed numerous situations where roads are bisecting meadows and becoming streams as the roads divert the natural flow of water through the meadows.

3. Pre-existing RARE II Roads.

As recognized in the Draft EIS Summary and Proposed Rule, at page A-9, the criteria used to identify an inventoried roadless area in RARE II and in the Forest Plans allowed the presence of certain types of classified roads, as long as the area otherwise met certain minimum criteria. In the Final EIS and Rule, the Forest Service should clarify that these pre-existing roads are not now counted as "classified roads" under the Proposed Rule. Only new roads constructed since the RARE II inventory should qualify as "classified roads" which constitute roaded portions of these inventoried areas. This policy is necessary because of the potential for these old pre-inventoried roads to be rehabilitated and used for land management activities, substantially altering the current character of these roadless areas.

4. Roads Policy.

It is assumed that the Forest Service's Proposed Roads Policy will be formally adopted prior to the Final EIS and Rule on roadless areas. If adopted, the provision requiring an Environmental Impact Statement for constructing a new road in an inventoried roadless area or in an unroaded area will significantly affect the potential impact of road-building under this Proposed Rule for roadless areas. There should be a further discussion in the Final EIS of the relationship and impacts between the Roadless Areas Proposed Rule and the Roads Policy.

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5. Temporary Roads.

There should be a further discussion of temporary roads in the Final EIS, discussing the potential impacts of such temporary roads and how they may be regulated. For example, there should be a discussion of the economics and ecological impacts of the construction of the roads and their obliteration. The road management rules should address the issue of temporary roads.

6. Effects of No New Roads.

There needs to be a further analysis in the EIS of how much can realistically be done in terms of land management where there are no roads. This analysis should include an assessment of the economics of helicopter logging, as well as the feasibility of various ground systems.

7. Relationship to Fires.

The discussion at pages 3-156 and 157 of the DEIS suggests that areas which are more highly roaded have a higher potential for catastrophic wildfires than roadless areas and that there is uncertainty concerning a more important question of the effectiveness of fuel breaks and understory thinning. It would be helpful to have this kind of analysis and discussion specifically with regard to the different ecosystems within Oregon, differentiating between Oregon's westside and eastside.

PROVISIONS ON LOGGING

The following subjects regarding logging need further analysis and discussion in the EIS:

1. Stewardship Logging.

A good starting point for a definition of this term is found at page S-8 of the DEIS Summary and Proposed Rule:

"Stewardship-purpose timber sales are sales created to achieve desired ecological conditions that require manipulating the existing vegetation, for example, thinning overly dense stands of trees so that fire may be safely reintroduced. Objectives that would be consistent with stewardship include:

- ! Restoring an area to historic ecological conditions;
- ! Improving the vigor of residual trees to withstand insects, disease, and wind;
- ! Reducing excessive forest fuels through thinning;
- ! Restoring ecological features and processes such as fire into an ecosystem; and
- ! Creating desired wildlife habitat conditions."

As this definition suggests, a key assumption underlying stewardship logging is that fire

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suppression and past logging practices have resulted in forest stands which are too dense and which need to be thinned in order for fire to be reintroduced into the ecology. Accordingly, stewardship logging will be most appropriate in eastern Oregon. Additionally, as pointed out by the group of scientists the Governor appointed to review the condition of the Blue Mountains, it is primarily the low elevation of ponderosa pine stands into which white fir has grown over the past 20 to 30 years where stewardship logging is appropriate. See, "Forest Health and Timber Harvest on National Forests in the Blue Mountains of Oregon" (June 15, 1995).

Also as recommended by this group of scientists, special equipment such as harvester/forwarders are best for this type of logging because of their maneuverability and low impact on soils. They do not require the use of roads or even skid roads and, thus, may access more acreage without the use of roads. This logging system, of course, is limited to areas which are not too steep. Where the terrain is not appropriate for this kind of equipment and it is economically not feasible for helicopter logging, options for stewardship logging will be limited. While the logging of larger trees would make helicopter logging more economical, such larger trees are often an essential component of the unique characteristics of roadless areas and should not be logged as part of stewardship logging.

The feasibility of one-time entries into the lower elevations of eastside roadless areas should also be examined. It has been suggested that one-time entries, followed by prescribed burning, would be sufficient to return these roadless area ecosystems to a condition that could withstand a natural fire. Such thinning on the outside edges of roadless areas, in combination with thinning of the forests surrounding the roadless areas, could potentially reduce the risk of catastrophic fire destroying roadless areas on the eastside of Oregon.

2. Potential Wilderness Designation.

The suggestion that stewardship logging be allowed in certain roadless areas and that temporary roads be built into these roadless areas to allow stewardship logging has raised the concern that these activities may disqualify the roadless areas from potential wilderness designation. This subject should be discussed in the Final EIS, but presumably these activities would not disqualify the roadless areas from this potential designation. Limited roading activity and logging in the past has apparently not disqualified such areas, as described at page A-9 of the DEIS Summary and Proposed Rule.

3. Social Impacts Analysis.

The DEIS Social Impact Analysis is inadequate and fails to recognize the resource dependent communities of rural Oregon. This is especially true in eastern Oregon where communities like John Day and Joseph have suffered disproportionately from cutbacks in federal timber harvests.

The DEIS does not capture the potential impacts of a ban on roading and a limitation on logging in roadless areas in Oregon. It would have been helpful to have an analysis in the DEIS that was oriented to the impacts that would occur in Oregon under the Preferred Alternative, as well as under the other Alternatives.

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One suggestion is to have a discussion of what percentage of the suitable land base (for timber) is in roadless areas. This analysis, which has been linked to the development of allowable sale quantities in the past, may be particularly helpful here where the Agency has apparently only utilized information on whether any roadless area sales are planned within the next five years to determine whether or not there will be impacts on local communities.

The DEIS at page 3-214 lists communities potentially affected by prohibitions on road construction and reconstruction and timber harvests during the fiscal years of 2000 to 2004. One of Oregon's hardest-hit communities in terms of timber supply is John Day, but that town is not listed as being impacted by these prohibitions. It may be more appropriate to find a longer term perspective or means of analyzing impacts, perhaps over a 10-year period, in order to better assess what communities will be affected by the Proposed Rule and to what extent.

4. Logging Without Roads.

As mentioned above with regard to stewardship logging, more economic analysis is necessary to determine how feasible such logging will be in lower elevations of Oregon eastside roadless areas. It is anticipated that helicopter logging will be limited because of economic considerations, particularly where smaller diameter material is involved. The DEIS at page 3-115 acknowledges that helicopter timber harvest feasibility depends on many factors, including the value of the timber removed, but states that it is generally not feasible at distances of more than one mile from the nearest road. At what distances from the nearest road are harvester/forwarders effective, and at what steepness of ground? A helpful source for further discussion of this issue in the Final EIS is the above-mentioned Blue Mountains study.

5. Current Logging in Roadless Areas.

More discussion is needed of what logging is currently allowed in roadless areas in Oregon under the Northwest Forest Plan and the individual Forest Plans. Again, an understanding of what the Proposed Rule means for Oregon is critical for the State's selection of any of the Alternatives.

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**STATE OF OREGON
ANALYSIS OF PROVISIONS OF
PROPOSED RULE REGARDING PROCEDURES
FOR MANAGEMENT OF ROADLESS AREAS**

The Roadless Areas Proposed Rule contains a significant section regarding procedures for management of inventoried roadless areas beyond the protections of Section 294.12. In addition, procedures are provided for management of uninventoried roadless areas. These provisions are important because factors other than roading and logging can be just as impacting on the characteristics of roadless areas. Activities such as grazing, use of off-road vehicles, and mining need to be examined just as much as logging and roading for the ways in which they may alter particular roadless areas. Further, uninventoried roadless areas may be just as significant ecologically as inventoried roadless areas. This is particularly the case with regard to lower elevation roadless areas as small as 1,000 acres which because of their low elevation and location may have greater biological diversity than much larger inventoried roadless areas at higher elevations.

While it is understandable that the Administration would prefer to wait until the next forest planning process to carry out these new procedures for management of unroaded areas, since in that context the full range of factors may be analyzed, the reality is that it may be several years before the next planning process is completed. During this time, substantial alteration of these unroaded areas, particularly the uninventoried ones, may occur. Since a primary objective of this exercise of examining roadless areas is to preserve options for the future, it would be prudent to begin some scoping of potential management impacts to unroaded areas.

Alternative D which would require a project-by-project analysis as a transition to forest planning process at the next plan revision appears to be the best solution. Even this project-by-project analysis approach would be limited, though, because it will not have the kind of comprehensive overview and approach to management of unroaded areas and all activities in inventoried areas that would occur in the planning process.

In addition to the nine criteria to be assessed in consideration of roadless area conservation under Section 294.13, it is important that the principle of "connectivity" be assessed. It may be that this subject would be addressed in one of the nine criteria, but it is of such importance that it should be a criterion in itself. It is fundamental in a landscape approach to management to have a sufficiently broad perspective to consider relationships between the various inventoried roadless areas and unroaded areas. Another important factor is of "cold water refugia." This may be considered under the criteria of water and habitat, but again, it is of such importance that it should be clearly stated. This is particularly important for the success of our Oregon coastal salmon recovery program.

Another subject that should be addressed in the context of roadless area conservation is that of road closures. While the Proposed Rule explicitly states that it is not addressing road closures, at least with regard to protective measures, it would certainly be relevant to address road closures in future management decisions regarding procedures for roadless area conservation. The draft

Page .STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE
REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

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transportation system rules will address this issue. Both during the project-by-project analysis and during the forest planning process, road closures should be a high priority matter. Throughout this roadless area conservation process, we also need to ensure that whatever procedures are adopted do not inhibit road closures which are critical for restoration of watersheds. Opportunities also should be examined for road closures that may make inventoried roadless areas or uninventoried roadless areas more functional or better able to meet the criteria listed in Section 294.13.

Other subjects which need to be further addressed in the Final EIS and Rule include:

1. Need for Inventory.

An inventory needs to be done on unroaded areas larger than 1,000 acres or of less acreage if they directly adjoin inventoried roadless areas. Though the DEIS Summary and Proposed Rule states at page A-11 that it is not the intent to require the mapping of all unroaded areas, or areas of a certain size, it is difficult to imagine how the Agency could do a proper assessment without a basic inventory identifying what unroaded areas there are and where they are. The location of these unroaded areas may be critical in assessing their importance, particularly where they provide needed connectivity between inventoried roadless areas.

2. Local Decision-Making.

The emphasis on local planning and evaluation of roadless areas of unroaded areas is appropriate. The objections to this roadless area rule being a "top down" approach to land management may be valid, and the Forest Service needs to make every effort to involve local citizens and communities in implementing its provisions.

There is also a need for a more comprehensive viewpoint or perspective in order to examine such factors as connectivity and assess relationships of unroaded areas between National Forests and between the US Forest Service and other federal agencies. The Proposed Rule's call for an analysis of the "size, shape and position" of unroaded areas also requires this broader perspective. A local-based approach must be balanced with a science-based approach.

The Final EIS may also discuss in more depth what is meant by a "local" decision-making process. Under the Preferred Alternative, the "local" decision-maker will presumably be the Regional Forester who will be signing off on the individual forest plans. Under Alternatives C and D, the project-by-project analysis and decision-making will be made by the local district rangers and the forest supervisors. Again, under the project-by-project approach, there should also be some provision for coordination between National Forests and between the federal agencies in the evaluation of the unroaded areas.

3. Size of Unroaded Areas.

Section 294.13(B)(2) identifies unroaded areas to be assessed. One type of unroaded area which is discussed is that which shares a common boundary with unroaded areas of 5,000 acres or more

Page .STATE OF OREGON ANALYSIS OF PROVISIONS OF PROPOSED RULE
REGARDING PROTECTION OF INVENTORIED ROADLESS AREAS

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on lands administered by federal agencies. It is not clear why this factor of a common boundary should be limited to an adjoining 5,000-acre unroaded areas of another agency, where the total of the two unroaded areas may be 5,000, or where there may be areas of special significance even if less than 5,000 acres.

4. Adjoining Unroaded Areas of Other Federal Agencies.

There needs to be more information in the Final EIS on other roadless areas of other federal agencies which may be relevant in assessing the management of inventoried roadless areas and unroaded areas on the National Forests. Natural resources, of course, do not recognize administrative boundaries. For a true understanding of the significance of any roadless area on the National Forests, it is necessary to not only examine their context with regard to other lands on the National Forests, but also to adjoining lands of other federal agencies. At the very least, the Final EIS should include a map of Wilderness Study Areas of the BLM.

Such an analysis of adjoining roadless areas on other federal lands is also consistent with a current management trend of coordination between the BLM and the US Forest Service. Examples include the shared administrative facilities between the BLM and the Fremont National Forest in Lakeview. Additionally, it was recently announced that there would be a consolidation of management among the Ochoco and Deschutes National Forest and the Prineville BLM. Such coordination among the agencies is long overdue. This Proposed Rule and EIS would go a long way in advancing this kind of coordination by providing information in the Final EIS of the location of the BLM WSAs.

5. Meaningful Common Boundaries.

Section 294.13(B)(2) also calls for consideration of unroaded areas with a common boundary "of considerable length" with inventoried roadless areas, wild and scenic rivers, etc. Rather than of "considerable" length, it appears that a better description would be of "meaningful" length. Even a narrow common boundary may be critical where it is along a migration corridor or near a stream.

Other "meaningful" common boundaries may occur where the unroaded area is directly adjacent to an inventoried roadless area and separates that roadless area from a road. For example, a number of inventoried roadless area boundaries in the Siskiyou National Forest apparently do not follow the boundaries of roads, but are set off some distance from the roads. At the north end of the Shasta Costa roadless area, there is a significant block of outstanding old growth that is apparently outside the boundary of the inventoried Shasta Costa roadless area and separates that roadless area from the adjoining road.

Again, this assessment of common boundaries should include Congressionally-designated areas such as wild and scenic rivers, national monuments, and national recreation areas.

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**STATE OF OREGON
GUIDELINES FOR ASSESSING UNROADED AREAS AND
ADDITIONAL PROTECTIONS FOR INVENTORIED ROADLESS AREAS**

In assessing unroaded areas and additional protections for both unroaded areas and inventoried roadless areas, the responsible official must evaluate the quality and importance of the following characteristics:

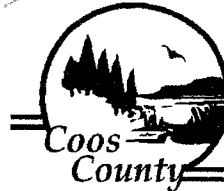
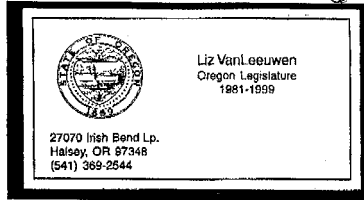
1. Size.
2. Shape.
3. Location.
4. Soil, water and air.
5. Sources of public drinking water.
6. Diversity of plant and animal communities. Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
7. Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation.
8. Reference landscapes.
9. Landscape character and scenic integrity.
10. Traditional cultural properties, tribal plant gathering areas and sacred sites
11. Other locally identified unique characteristics.
12. Connectivity of roadless areas on a larger landscape, both within forests and in between forests (such as connectivity between the Siskiyou/Klamath and coastal forests, the Siskiyou/Klamath and the Cascades, the Cascades to the lower Blue Mountains and the lower Blue Mountains to the upper Blue Mountains).

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6/14/2000

To: USDA Forest Service-CAET
att: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122



BOARD OF COMMISSIONERS

250 No. Baxter Street, Coquille, Oregon 97423

(541) 396-3121 Ext.247

FAX (541) 396-4861 / TDD (800) 735-2900

E-Mail: nwhitty@co.coos.or.us

BEV OWEN

NIKKI WHITTY

PETE De MAIN

Fr: Liz VanLeeuwen



Re: Proposed Roadless Rule

June 23, 2000



USDA Forest Service - CAET
P.O. Box 221090
Salt Lake City, UT 84122

Attention: Roadless Areas Proposed Rule

The Coos County Board of Commissioners questions the validity of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Coos County is presently involved in a rather large project. Our Environmental Assessment will probably take longer to prepare than your draft EIS for the roadless areas.

We do understand that you are likely under pressure from the current administration to complete this process prior to the end of this year, however, we believe it would be a distinct public benefit to either go back to the drawing board and revise your draft or extend the comment period for review of the draft for another 180 days.

We have enjoyed a long and mutually beneficial partnership with the USDA Forest Service for many years and are very proud of the projects we have completed together. We do look forward to an opportunity to work together for the betterment of this current project.

Sincerely,

COOS COUNTY BOARD OF COMMISSIONERS

Nikki Whitty
Nikki Whitty, Chair

Pete De Main
Pete De Main, Commissioner

Bev Owen
Bev Owen, Commissioner

CAET RECEIVED
JUN 26

A few years ago while serving on a 5-state 2 province legislative committee, we were in California after a devastating fire. A long time forest ranger told us that trees are going to leave the forest one of two ways: 1- on a log truck, or 2- in smoke.

My question to you as public servants is which method serves society and the environment the best??? You and I both know that planned harvest is much much much better than the total devastation left by fire.

Without roads you basically leave affordable timber harvest out of the picture.

If you are planning to destroy established roads, you create more erosion than the roads cause except for some very steep areas.

If part of your bottom line is to save salmon, please check with the scientists at Oregon State University. It is my understanding that up to 80% of the demise of salmon is due to ocean conditions!

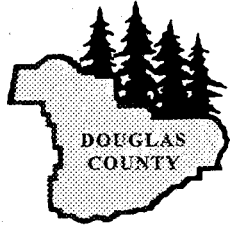
Roads are essential for wise and credible management of our forests both for wildlife & humans.

Thanks, Liz Van Leeuwen

CAET RECEIVED

JUN 20 2000

TOTAL P.01

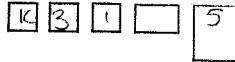


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BOARD OF COMMISSIONERS

DOUG ROBERTSON JOYCE MORGAN MIKE WINTERS

1036 S.E. Douglas Ave., Room 217 • Roseburg, Oregon 97470 • (503) 440-4201



July 13, 2000

USDA Forest Service -CAET
Attn: Roadless Areas NOI
P.O. Box 221090
Salt Lake City, Utah 84122

PAET RECEIVED
JUL 17 2000

Re: National Forest System Roadless Areas
Draft Environmental Impact Statement

Dear Sirs:

The Board of Commissioners for Douglas County, Oregon have reviewed the Draft Environmental Impact Statement and Proposed Action relative to the roadless areas on the National Forest System. While the Board appreciates this opportunity to provide comments, it is our opinion that the proposed action is misguided and will adversely affect the forests of Oregon.

The pending action is generating considerable discontent and distrust of the Forest Service's planning efforts. The issues addressed in the proposed action are issues that have been extensively debated in Oregon and resolved both through legislation and through compromises that are the foundation of the existing Land and Resource Management Plans. It is our position that the land allocations for the roadless areas were made legislatively during the Oregon Wilderness Act and other wilderness acts affecting Oregon, and have been administratively resolved through the local forest plans as amended by the Northwest Forest Plan. We therefore request that Oregon not be included within this rulemaking.

With the Forest Service's inability to implement the existing plans in a timely manner, it is our position that the time and monies of the Forest Service would be better spent in implementing the existing forest plans. If the roadless areas are to be set aside then adjustments must be made to the existing plans to find replacements for the volume of timber sales, recreational opportunities, and wildlife outputs that will be lost as a result of the proposed action.

USDA Forest Service -CAET
July 13, 2000
Page 2

If you have any questions on the enclosed comments please don't hesitate to contact this office.

Sincerely,
BOARD OF COMMISSIONERS
DOUGLAS COUNTY, OREGON

Michael J. Winters

Mike Winters, Chair

Doug Robertson

Doug Robertson, Commissioner

Joyce Morgan

Joyce Morgan, Commissioner

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COMMENTS OF THE

BOARD OF COMMISSIONERS
DOUGLAS COUNTY, OREGON

on the

FOREST SERVICE
ROADLESS AREA CONSERVATION
PROPOSED RULE AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. The Proposed Rule states that:

(t)his proposal is in response to strong public sentiment for protecting roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities, and other public benefits provided by these areas.

To be consistent with the Forest and Rangeland Renewable Resource Planning Act of 1974 as amended (hereafter "RPA"); the National Forest Management Act (hereafter "NFMA"); and, the Multiple Use Sustained Yield Act (hereafter "MUSY"), the Forest Service should respond to the public demand through the comprehensive planning process of the Land and Resource Management Plans (hereafter "LRMP") process. By examining one issue (roadless management) in isolation, the resulting management policies will not provide for multiple use and sustained yield in a coordinated and consistent manner.

The LRMP was designed to guide all natural resource management activities and in turn determine resource management practices, levels of resource production and management, and suitability of lands, all in a comprehensive approach that was responsive to changing social and economic demands.

The nationwide approach to roadless management runs counter to the goal of a coordinated, integrated, and consistent planning process. It is our recommendation that the roadless issue be addressed in the LRMP process wherein all resource outputs are balanced to determine the maximum long term net public benefits.

2. The Forest Planning regulations specify that the responsible officer for making planning decisions such as the roadless policy is to undertake a review of the planning and land use policies of local governments and display the results of this review within the environmental impact statement. We did not notice this analysis in the Draft Environmental Impact Statement (hereafter "DEIS"). We request that the responsible officer contact the local government directly to address the issues necessary to coordinate our planning processes, including our local landuse goals and policies.

3. We note that the DEIS (p. 3-209) states that the roadless issues:

". . . have not been effectively resolved at the local level in many places. . ."

This is not an accurate statement for Oregon, in that this issue has been addressed and was resolved through the enactment of the Oregon Wilderness Act; Hells Canyon National Recreation Area Act; Northwest Forest Plan; and, the various Land and Resource Management Plans. The above referenced statement is clearly not applicable to the National Forest System lands within Oregon. We therefore recommend that the proposed rules not include Oregon.

4. The DEIS notes that some commentators think the roadless issue must be resolved at the national level because they believe the local Forest Service officials are subject to the influence of special interest groups. However, this statement is totally without substance. First, the roadless issue in Oregon was resolved at the national level by Congress and the Chief when he approved the various LRMPs and the Northwest Forest Plan. Secondly, if local Forest Service officials are subject to the influence of special interest groups (on any side of the issue), then this is resolved through personnel management not a land management decision.

The above referenced DEIS statement simply ignores that the land allocations and management decisions relative to the roadless areas were not made by the local Forests in isolation. Prior to adoption, the LRMPs were reviewed by the Regional and Washington offices. Likewise after adoption, any appeal or challenge to the LRMPs were resolved at the Regional office and generally only after concurrence by the Washington office. The lack of substance to the DEIS statement is clearly demonstrated by the Northwest Forest Plan which was addressed directly by the President of the United States.

The DEIS statement is just one example of the shallowness of the rationales presented as justification for this nationwide forest land use planning effort. The DEIS is permeated with similar statements that simply lack a logical or substantive basis. Throughout the DEIS the statements which serve as the basic justification for the proposed action rule simply do not reflect the history of federal forest land management planning relative to the roadless issue. Absent a more in depth justification for this proposed rule, it is our position that this action is not supported by history and undermines the entire forest planning process.

5. The DEIS suggests that the proposed rule will have a negligible impact on the timber harvest programs. However, close scrutiny of the anticipated impacts reveals that under the sale program currently in place the proposed action represents a significant reduction in timber sale volumes.

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For example the Umpqua National Forest projects the impacts of this roadless rule will reduce the proposed sale quantity by 7 MMBF over a three year period. The current programmed timber sale volume for this forest is currently 78 MMBF (expected to decrease in 2000 to 50 MMBF under the survey and manage program) as compared to the 337 MMBF under the 1990 LRMP. If the forest were being managed on the original LRMP value, this would in fact be a relatively small volume of timber, however under the current programmed harvest the proposed reduction is significant. Either under the proposed sale volume or the LRMP volume the proposed decrease would be a significant reduction sufficient to trigger a forest plan revision. We note that during the LRMP process the Forest Service noted that a reduction of 10% would be considered a significant change and would trigger a revision or amendment.

6. Notwithstanding that the current programmed sale levels are significantly lower than the harvest levels adopted during the LRMP process, the Forest Service is not able to met these lowered programmed sale levels. It is our position that the public would be better served and the Forest Service's time and money better spent if it shifted its attention to implementing the existing forest plans.

7. We recommend that all of Oregon be deleted from the proposed Part One and Part Two. The roadless and unroaded areas in Oregon were the subject of intensive debate in the Oregon Wilderness Act, the Oregon Omnibus Wild and Scenic Rivers Act, the Hells Canyon National Recreation Area Act, and the various land and resource management plans. These various planning efforts were designed to resolve the same roadless issues now being re-addressed in the proposed rules.

8. We note that in the Central Idaho Wilderness Act of 1980 (Public Law 96-312), Congress specifically stated its intent that the wilderness legislation was a comprehensive land allocation decision relative to the roadless areas. Similar land allocations were made in the Oregon Wilderness Act of 1984. Congress specifically reviewed the roadless areas and in turn designated lands in Oregon as wilderness for their traditional wilderness values as well as a means to protect them for their watershed, wildlife habitat, scenic and historic, and primitive recreation values (See "Oregon Wilderness Act of 1983, Hearings Before the Subcommittee on Public Lands, Reserved Water"). These are the same values that are now being re-evaluated in the proposed rules. To avoid conflicts with these earlier congressional reviews and comprehensive lands allocations, we suggest that these Congressional designations be followed.

9. We note that the adoption of the proposed rule to temporarily suspend road construction or reconstruction within National Forest System roadless areas is viewed as critical to preserve land and resource management options." (63 F.R. 9980-02). However, this

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preservation of management options for the roadless areas is in direct contradiction to the Congressional intent relative to roadless areas as expressed during the 1981 designation of wilderness in California. We note the following statement in the Committee Report:

The fact that the wilderness option for roadless areas will be considered in future planning raises the hypothetical argument that the areas therefore must be managed so as to preserve their wilderness attributes so that these may be considered in the future. Such an interpretation, however, would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such an interpretation is obviously incorrect, and if applied, would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act. (Committee on Interior and Insular Affairs, 97th Cong. 1st Sess. Report No. 97-181, p.45) (emphasis added). See also Committee on Energy and Natural Resources, 96th Cong. 2d Sess., Report No. 96-914, p. 26.

As noted above, the preservation of roadless areas to maintain options for future plans is inconsistent with the Forest and Rangeland Renewable Resources Planning Act as well as the various wilderness acts.

10. The Summary Section of the DEIS references the following statement by President Clinton dated October 13, 1999:

"Within our national forests there are large parcels of land that don't contain roads of any kind, and in most cases, never have. . ."

(DEIS, S-1). Notwithstanding the President's direction to develop a regulations for these roadless areas, the Proposed Rule has departed from the President's direction and now encompasses lands which are in fact roaded.

11. The Proposed Rules discuss the prohibition on road construction and reconstruction in the inventoried roadless areas (\$294.12) but does not provide any guidance relative to the other unroaded areas. If it is the intent that road maintenance, reconstruction and construction are management decisions left to the local land managers discretion, then to avoid confusion and more gridlock, we recommend that the rules clearly indicate this intent.

12. The Proposed Rules are silent as to "road maintenance" in the inventoried roadless areas. Since these areas contain both classified and unclassified roads, in order to insure appropriate land management tools are available to address road erosion and washout problems in these areas, we recommend that specific

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provisions be included to allow road maintenance activities within these areas.

13. We note that the proposed road rules included a reference to "Public Roads" which are in addition to the "classified" and "unclassified roads". We suggest to avoid confusion and to be consistent with the companion rulemaking that the Proposed Rules also incorporate management direction for these "Public Roads" which are under the jurisdiction of the local governments.

14. While the Proposed Rules address classified and unclassified roads, we suggest that it also develop a management strategy for those roads that have been closed or obliterated in the last few years to create unroaded areas. These recently created unroaded areas do not contain the same basic values that are the driving force for this rulemaking and should therefore either be excluded or a new category developed for these lands.

15. The Proposed Rules also fail to incorporate the requirement for "consultation with affected State, tribal, and local governments in identifying transportation needs" as set forth in the companion rulemaking (65 FR 11680, 11682). We suggest that this consultation provision also be adopted into the Proposed Rules.

16. We note that the Proposed Rule states that it does not compel the amendment or revision of any land and resource management plan (§294.14(b)) or suspend or modify any decision made prior to the effective date of the rule (§294.14(c)). Notwithstanding this statement, the Forest Service's local presentations indicated that this Proposed Rule will have an immediate impact on the inventoried roadless areas.

Since the inventoried roadless areas were allocated into numerous land allocations during the LRMP decision making process, it appears from the Proposed Rule language that these allocations and management options for those allocations will continue until the plan is amended or revised.

This is an important issue since the LRMP allocation process allocated some of these lands for timber harvest, dispersed roaded recreation, elk management, and other allocations that required active management, it appears that either these allocations and management strategies override the Proposed Rule or if the Forest Service comments are correct, the Proposed Rule intends something other than what it states.

17. The Forest Service justifies the Proposed Rule in part due to its lack of resources to maintain the existing road system, however it does not explain how prohibiting road construction in the inventoried roadless areas addresses the ability to maintain existing roads.

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Under the NFMA, any new roads are required by law to have their vegetative cover reestablished within ten years after the termination of the contract, permit, or lease unless they are to become part of the permanent road system. (See 1976 U.S. Cong. & Adm. News 6662, 6678). The risks and impacts discussion in the proposed rule simply ignores the requirement that any road must be designed and revegetated in a manner that restores the area. If there are adverse impacts resulting from roads built since 1976, then the solution is for the Forest Service to either comply with existing law and/or reexamine road design standards - not to remove the lands from multiple use management.

18. If the basis for the proposed rules is in response to public opinion, the environmental documents should quantify how this public opinion has changed since these issues were addressed in the earlier, RARE, ReRARE, RARE II, Oregon Wilderness Act, Northwest Forest Plan, Hells Canyon National Recreation Area Act, and the various land and resource management plans. The issue of roadless area management was extensively debated in all of these processes, and the final decisions were designed to balance the various needs for the national forests. Any alteration in this balance should be addressed in the forest plan revision process and not on a generic one size fits all strategy.

19. The roadless proposal sets forth a two step process, one of which immediately restricts activities in some of the inventoried roadless areas and the second step identifies what activities will be allowed on the roadless lands. Under the Council on Environmental Quality ("CEQ") regulations, these two steps are in fact connected actions that have obvious and directly linked cumulative impacts. To comply with the CEQ regulations, the two actions should be discussed in a combined environmental document.

20. The DEIS (3-6) references that the regions with the highest population densities have the least amount of inventoried roadless area and that the highest demand for the unroaded benefits are in these areas. However, we note that (DEIS 3-3) the areas with the most inventoried roadless areas (Alaska and Idaho) are in fact farthest from the population centers. Given the demand in regions other than where the majority of inventoried roadless lands are located, it appears that the proposed action with its emphasis on unroaded areas in low population density areas does not address the stated purpose and need.

21. Page 3-1 of the DEIS states that 28% of the National Forest System is within inventoried roadless area, 22% is within Wilderness, National Monument, Wild and Scenic River or some other similar designation that prohibits or restricts roading, and that the remaining 50% is managed for other uses which by implication includes road construction and reconstruction. This DEIS statement is misleading in that it ignores that the majority of the forests in Oregon are managed as late successional reserves, spotted owl

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habitat, riparian buffers and other similar land classifications. To present an accurate picture of the land management status, it would be more appropriate to include all land management classifications and state the likelihood of road construction under each of these classifications. Absent this information the public does not have the opportunity to knowingly comment on the proposed action.

22. The DEIS notes that "... timber production from NFS lands is expected to remain stable at about 3.0 to 3.5 billion board feet per year" (DEIS 3-9). Since the majority of the forests in Oregon are not meeting their assigned timber sale levels, let alone the LRMP levels, it is difficult to understand how the Forest Service can make the statement that timber production will remain stable. This is clearly a misleading statement.

23. The analysis assumes that timber harvest reductions resulting from the prohibitions proposed would not be replaced with timber volume from other NFS lands (DEIS 3-11), however since the same attributes and amenities that are allegedly benefitted by the proposed action are also found in land management prescriptions already in place on other NFS lands, we recommend reexamining these other land allocations and prescriptions to determine if they can be eliminated or otherwise modified to replace the lost timber volumes. This is particularly relevant on the Oregon forests where the majority of NFS lands are now managed for biodiversity, endangered species, recreation, and other non-timber values.

24. While the DEIS (3-12) indicates that proposed recreation developments in inventoried roadless areas would be allowed to continue if special use permits are in place, this is misleading since there are numerous activities that are proposed, in development, or in place, that do not currently have special use permits covering all of the activities or lands. Further, the DEIS statement ignores the issue that will arise relative to modifications or renewals of the special use permits. We suggest that any rule clearly address this issue.

25. The DEIS (3-12) also notes that under the proposed action an increase in fire suppression costs will occur as a result of increase in fire size and frequency. With the history of major catastrophic fires in eastern Oregon associated with roadless, natural areas, and the Wilderness areas, it is our position that the proposed roadless management strategy is not well advised. If it is adopted, then we strongly recommend that clear direction be incorporated relative to fire response activities.

26. As with the increased risk of fire, the DEIS (3-12) acknowledges that insect infestation and disease will continue to be a problem on the roadless and unroaded areas. While the DEIS indicates this risk is particularly high on 7 Million acres of inventoried roadless areas, based on our knowledge of the local

roadless and unroaded areas it is our opinion that this value is significantly understated. We suggest that this issue be reevaluated and specific direction be incorporated as to insect and disease response within the unroaded and roadless areas.

27. The DEIS (3-13) notes that the Weeks Act of 1911 allowed the Forest Service to purchase lands in the Eastern United States, however we note that lands were also purchased in Oregon under the same authority. The Weeks Act is particular relevant to this decision in that lands that were acquired under the Weeks Act were acquired only with the consent of the affected counties, which consent was given with the understanding these lands would be used for commodity production and in turn a 25% return to the counties. Prior to placing any of the Weeks Act lands into roadless or unroaded categories under this action the Forest Service should obtain the consent of the counties.

28. The DEIS (3-15) notes that the majority of roads built over the last decade on the NFS lands were to support timber harvest. While the initial construction may have been for timber harvest we note that these roads were frequently overbuilt to allow recreational use as well and were in turn not revegetated after timber harvest. The DEIS should clarify the number of miles built and maintained solely for timber harvest as opposed to the roads built and maintained for multiple use.

29. The DEIS states that over half of the watersheds that contain inventoried roadless areas provide water to downstream facilities that great and distribute water to the public. However examining Figure 3-12, it appears that large watersheds such as the Missouri River and Yellowstone Rivers which are substantially downstream of the roadless areas were included. We suggest that the source areas only include those areas wherein impacts associated with the roadless areas are directly measurable and not simply reference all facilities downstream of the roadless area.

30. As noted above, a similar lack of cause and effect is evidenced in Figure 3-13. The DEIS should reference how many of the roadless areas fail to meet the water quality standards and which standards are violated. For a number of the regions listed background and natural conditions (ie. hot springs) will prevent the attainment of water quality standards.

31. The effect of fire on the inventoried roadless areas as stated on page 3-41, overlooks that due to physiographic features the fires disproportionately impact the intermountain and eastern Oregon lands more than other areas. In eastern Oregon these fires have had catastrophic environmental impact on the roadless areas. Any roadless policy needs to address fire management.

32. We note on page 3-112, that net annual growth on the NFS in 1997 was 20.5 billion board feet while removal from all sources

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including natural mortality (ie. insect, disease, fire) and harvest totaled only 4.1 billion board feet. This growth and yield indicates that there are options to reduce development pressure on the roadless areas by increasing the harvest levels on the remaining lands or to spread the impacts across a larger land base. It is notable that in the Pacific Northwest the programmed sale levels are far lower than the LRMPs allow.

33. Notably absent from Table 3-22 is any reference to the changes in allowable sale quantity in the Northwest forests of Region 6. With the adoption of the Northwest Forest Plan with its concurrent amendment to the LRMP's the ASQ levels have dropped significantly. It would be helpful for the decision maker to have a complete picture of the actual ASQ levels from all of the National Forests in order to properly evaluate the impacts of the proposed actions. it

34. While the DEIS (3-120) notes that:

"Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas. As a result, estimates of environmental consequences based on use cannot be made with any degree of precision."

Notwithstanding this statement, there are numerous reports on the recreational use of the roadless areas. Most notable are the recent monitoring reports and studies of unroaded recreation usage which indicate that the recreation use of the unroaded areas is not dependent upon large areas of unroaded nature. Rather these recent studies indicate that road usage is the predominate recreational use and that even wilderness use is limited to those areas close to roads (See "Changes in Use of Three Oregon Wildernesses 1976-1993" T.E. Hall & B.E. Shelby, June 1995). Likewise, the Umpqua National Forest monitoring results reveal that the unroaded recreation management areas have not had the growth as projected in the LRMPs. Contrary to the DEIS, the monitoring data and other studies on recreation use, do not support the position that there is an increasing demand or that existing roadless areas do not meet the demand.

35. We note that off-road vehicle use, such as snowmobiles, accounts for a significant amount of the recreational use within the roadless areas of Oregon. It is our recommendation that snowmobiles not be prohibited from the inventoried roadless and unroaded areas.

36. Prior to adoption of the proposed action, we suggest that legal review be conducted to determine if this administrative action can prohibit access to mining claims on the NFS lands. (See DEIS 3-145).

37. It is our understanding that the proposed action specifically allows existing special use permits or mineral leases to continue but that once the lease expires, the permit or lease would not be renewed (or if renewed conditions would be added to prohibit surface occupancy) (See 3-145). We suggest that this position be carefully reexamined and that lands with existing special permitted uses; oil, gas, or mineral leases; or utility corridors be defined as not roadless or unroaded lands.

38. As graphically presented in Table 3-36, the risk of large fires in roadless and unroaded areas is significantly higher than in other areas within the NFS. This is of particular concern to Oregon where large resource damaging fires have occurred in unroaded and roadless areas in recent years. With the high levels of dead and dying timber on the roadless and unroaded areas they represent a significant risk of wildfire. Given the size of these fires it is virtually impossible to control them if not quickly contained. Due to the increased fuel loadings we suggest that a clear and in depth direction be given to the forest managers to reduce fuel loadings and take all steps necessary to prevent the spread of these fires.

39. It is particularly upsetting to us that the Forest Service has chosen to describe the rural communities as uneducated, migrant, poor, divorce-prone, and apathetic to their local communities (DEIS 3-190). This characterization of resource dependent communities exhibits a callous and cavalier attitude towards people who will be significantly impacted by the proposed action. This attitude clouds the analysis and indicates that the decision making process was arbitrary, capricious, and woefully misguided.

40. We caution against the reliance on public opinion surveys and interpretations thereof relative to the public's position on NFS management (See 3-163). Absent a close scrutiny of the questions and the manner in which the poll was taken these reports are fraught with error and are notoriously scientifically unreliable.

41. We note that the discussion relative to community stability, resiliency and dependency, totally overlooks the impact on the local communities by the Forest Service's failure to implement the LRMP's and other land management directions. The continual focus of the Forest Service on fostering conflict in natural resource management through controversial policies such as this proposed rule, has resulted in a growing distrust of the Forest Service's ability to manage the lands and resulted in a lack of confidence in the forest planning processes.

42. Table 3-54 is misleading in that it fails to list a number of national forests and communities that will be directly affected by the proposed action. To insure that the public has the opportunity to fully understand the impacts of the proposed action and in turn knowingly comment, a supplemental DEIS should be prepared that

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discusses all of the affected national forests and communities. The absence of this information in Table 3-54, raises the specter that these communities and forests were not considered in developing the DEIS.

43. We note that Table 3-54 was based on the criteria that local wood processing firms used at least 50% NFS timber (3-215). This artificial constraint eliminated a major part of the timber dependent communities in Oregon since the recent injunctions as well as the reductions resulting from the Northwest Forest Plan and Eastside Screens funding for NFS timber sales has virtually eliminated NFS timber from the market over the last five years. This chart clearly presents an erroneous picture and should be redone depicting all forest dependent communities.

44. We note that the only potentially affected community on the Willamette NF is "Yoncella, OR" (sic). Given that the mill in Yoncalla has been closed for several years we question whether the data source was sufficiently current to fully assess the impacts on local communities. To illustrate that the data source was outdated we note page 3-215, wherein it is noted that the data source was compiled in 1987, over thirteen years prior to the development of this proposed action. Similar concerns about the lack of accurate data on timber dependent communities can be found throughout Oregon. The lack of timely data and failure to attend to detail seriously undermines the credibility of the proposed action.

45. Since the designation of some lands for roadless protection will also result in other lands being released or designated for other development usage, the draft EIS should discuss the impact and management activities expected on the released lands. This analysis is necessary to comply with the requirements of California v. Block, 690 F.2d 753 (9th Cir. 1982) that an EIS is required prior to releasing lands for other management purposes.

46. While the DEIS indicates that recreation use will not be adversely affected, we note that since some of the inventoried roadless areas were classified in the land and resource management plans as semi-primitive motorized recreation, and wildlife emphasis, a prohibition on roads and reconstruction would preclude meeting these management objectives.

47. We question whether changing the management character of the roadless lands outside the context of the forest plan is consistent with the National Forest Management Act, Renewable Resources Planning Act, and the Forest and Rangelands Renewable Resources Planning Act. Since a management change in these areas has the potential to adversely affect the remaining areas of the forest, we suggest that the roadless issue only be addressed in the context of the forest plan.

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48. Since there is some question as to the extent that the proposed roadless policy was drafted by a non-FACA chartered group, we request that all communications with private parties or other non-Forest Service agencies that have occurred within the past year be disclosed as an appendix to a supplemental environmental document.

49. As noted in local newspaper articles the environmental review and announcements of proposed roadless planning regulations has the appearance of being solely to justify a decision already made, in violation of NEPA regulations. If any other decision document or direction - that is not made public - has been presented or is presented to the deciding officer along with the environmental documents, then these documents should be submitted to the public for review prior to a final decision (See 40 CFR 1505.1(e)).

50. Since the Forest Service has a history of its unmanaged stands contributing to and exacerbating forest insect epidemics and catastrophic fires that have in turn spread to neighboring private lands, the environmental document should clearly describe the impact of the proposed action on private lands. We note that in the Wilderness Act, Congress specifically provided that "measures may be taken as necessary in the control of fire, insects, and disease" (16 U.S.C. §1133(d)(1); See Sierra Club v. Lyng, 663 F.Supp 556 (D.D.C. 1987)). Further Congress directed that the Forest Service was to undertake:

". . . timely and efficient fire, insect and disease control to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private non-wilderness lands from forest fires and disease or insect infestations."

(Public Law 96-450, § 109)

We recommend that any resulting decision clearly identify management strategies that will be implemented to insure the Forest Service will be a "good neighbor" in its management of the roadless areas.

51. The rules and environmental documents should incorporate a monitoring plan that allows for early detection of insect and disease risk; fire fuel loadings; and attainment of the roadless management goals. The funding source for this monitoring program should be in place prior to adoption of the rules.

52. We note that some of the "inventoried roadless areas" have historical trails, ways, cattle driveways, and roads that constitute RS 2477 roads. To adequately protect these trails, ways, and roads, the proposed rule and environmental documents must discuss how the Forest Service will protect the public rights to these areas.

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53. Under the Forest and Rangeland Renewable Resources Planning Act, land use planning on the National Forests was to give major consideration to their impact on plans developed by local governments, including the impact of the Forest Service road network on the local road systems (See Senate Report No. 93-686 (1974)). Since the closure, and lack of reconstruction, of Forest Service roads has the potential to affect local government plans and road systems the specific impacts on the local road system must be disclosed and discussed with local governments prior to adoption of the proposed action.

54. Since the proposal is described as necessary to "protect roadless areas" it implies that the current management does not "protect" these areas. We suggest that EIS describe the site specific management currently in place and describe how these strategies do not provide the perceived protection that is the purpose or need for the proposed action.

55. In discussing the alternatives that relate to "commercial timber harvest" we suggest you reference the term "scheduled" harvest to distinguish between "unscheduled" harvest and other activities.

56. In developing the alternative that proposes to prohibit all activities, we recommend that the phrase "subject to valid existing rights" be fully explained. To understand this alternative and knowingly comment it will be necessary to identify what rights are covered by this phrase and under what circumstances they will be or can be terminated. We are particularly concerned over the impacts to grazing permits, water diversion facilities and ditches and canals, telecommunication sites, mining claims, road and water easements, and recreational developments that may occur on both existing permits, renewals, or upon the transfer of these permits. For example since the transfer of grazing permits requires a new permit, will the Forest Service cancel the permits if the current permittee attempts to transfer the permit.

57. We note that in the Wilderness Acts, Congress specifically addressed grazing usage within the wilderness (See "Grazing in National Forest Wilderness" H.Rep. 96-617, 1980) in order to clearly state that grazing was a permissible use within these areas. To avoid any confusion that grazing is a priority use within the roadless and unroaded areas, we suggest that similar statements be included in the proposed rules.

58. Prior to adopting the final rule, the Forest Service should clearly specify when the "uninventoried roadless areas" are to be inventoried and clarify that existing management is not changed prior to completion of the inventory. Absent a clear and strict time line, the failure to act could create additional gridlock in management of the National Forests.

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To manage these lands to maintain options for further roadless inventory is contrary to the Congressional intent relative to roadless areas as expressed during the 1981 designation of wilderness in California. We note the following statement in the Committee Report:

The fact that the wilderness option for roadless areas will be considered in future planning raises the hypothetical argument that the areas therefore must be managed so as to preserve their wilderness attributes so that these may be considered in the future. Such an interpretation, however, would result in all roadless areas being kept in de facto wilderness for a succession of future planning processes. Such an interpretation is obviously incorrect, and if applied, would completely frustrate the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act. (Committee on Interior and Insular Affairs, 97th Cong. 1st Sess. Report No. 97-181, p.45) (emphasis added). See also Committee on Energy and Natural Resources, 96th Cong. 2d Sess., Report No. 96-914, p. 26.

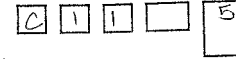
As noted in the proposed rules, one of the purposes of the road program is to provide additional wilderness protection, a purpose which is inconsistent with Congressional intent in adopting the various wilderness acts.

59. Under the NEPA regulations an agency can not commit resources prejudicing selection of alternatives or otherwise limiting the choice of alternatives before making a final decision. We note that the Forest Service has been closing and obliterating roads with the stated intent to create larger unroaded areas. To insure that the agency allows for proper review and comment by the public, we suggest that all roadless areas created or enlarged by road closures be identified.

60. We note that in the "Advance Notice of Proposed Rulemaking" the statement that the existing road system on National Forest System lands "was largely funded and constructed to develop areas for timber harvesting and the development of other resources." (63 F.R. 4350-01, p. 1). However, it is worth noting that these roads were most often built to a higher standard than necessary solely for timber harvesting. As a result, the local counties' timber receipts were reduced while the Forest Service used these timber receipts to subsidize the other forest uses (See Sen. Report No. 93-686 re. revenue taking from the counties). To a large extent these forest roads were built to higher standards solely to accommodate recreational uses. Absent these recreational needs the roads would have or could have been closed after logging.

61. We are particularly concerned about the application of this moratorium to the lands within the Interior Columbia Basin project area. The counties were repeatedly told that planning for this

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County Court of Grant County

Dennis Reynolds, Judge
 Bob Kimberling, Commissioner
 Leonard Traflet, Commissioner

16087

July 13, 2000

CAET RECEIVED

JUL 17 2000

USDA Forest Service-CAET
 Attn: Roadless Areas NOI
 P.O. Box 221090
 Salt Lake City, Utah 84122

Re: National Forest System Roadless Areas
 Draft Environmental Impact Statement
 Our File No. 91089

Dear Sirs:

On behalf of the County Court for Grant County, Oregon, we have prepared the enclosed comments relative to the Draft Environmental Impact Statement for the National Forest System Roadless Areas. The Grant County Court appreciates this opportunity to provide these comments.

While the County Court's comments are set forth in more detail in the attached materials, we wish to emphasize that the roadless issue has been frequently debated, and numerous legislative and planning efforts have resolved this issue for Oregon. It is our position that the land allocations for the roadless areas were made legislatively during the Oregon Wilderness Act and other wilderness acts affecting Oregon. We therefore request that the national forests of Oregon not be included within this rule making.

The Grant County Court is particularly concerned over the potential for major catastrophic losses within the roadless areas and adjacent areas as a result of the proposed action. Within Grant County the roadless areas are characterized by overstocked stands on dry sites. Due to the large amount of overstocked, dead, and dying timber on these stands, the conditions are ripe for catastrophic fires and insect outbreaks. The proposed rules will severely limit the ability to restore these stands to their natural condition and to protect the adjacent lands.

It is the position of the Grant County Court that rather than expend the time and money on continuing the proposed rule making that the Forest Service devote its time and monies to implementing the existing forest plans.

region was to be ecosystem wide and in collaboration with the counties. While it was envisioned that a collaborative process was being established, the imposition of a new roadless policy without direct collaboration with the local counties raises serious questions as to the integrity of the Interior Columbia Basin planning process. The ICBEMP cannot succeed if it is overridden by a piece-meal approach developed outside the region. The ICBEMP is not only an ecosystem strategy it is, and probably most important, a new collaborative approach to forest management that was designed to collaboratively resolve the very issues raised in this proposed rulemaking (ie. proper treatment of roadless areas, transportation systems, and forest health and recovery).

62. Contrary to the Forest Service statements that the bulk of the roadless areas are located in "rocks and ice" environments, the majority of the roadless and unroaded areas within Douglas County are in dry forest areas.

63. Since a major part of the programmed timber sale program for the Umpqua National Forest is to be derived from roadless areas, any reduction in the Land and Resource Management Plan timber sale volumes should be offset by redesignating lands that are currently within late successional reserves as matrix.

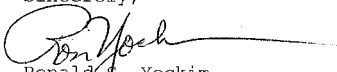
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USDA Forest Service -CAET
July 13, 2000
Page 2

The County Court of Grant County attached comments on the DEIS which it shared with Douglas County, Oregon. The text of that summary is included in this volume under the Douglas County entry.

If you have any questions on the enclosed comments please don't hesitate to contact this office.

Sincerely,



Ronald S. Yockim
Of counsel to the
Grant County Court

RSY/bg
Enclosure

cc. Grant County Court



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County Court for Harney County

450 North Buena Vista
Burns, Oregon 97720
Phone: 541-573-6356 Fax: 541-573-8387

June 20, 2000

CAET RECEIVED
JUL 03 2000

USDA Forest Service – CAET
Attn: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

To Whom It May Concern:

Please accept the following comments from the Harney County Court, State of Oregon for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Although these comments may be general they will be supported by our review of the Draft EIS with other Oregon counties and the Association of Oregon Counties.

At this time we would like to address four areas of concern we have with the Draft EIS.

1) *The Draft EIS does not adequately address the impacts on Counties and Local Governments.*

Although the Forest Service asserts that its assessment method conducts a "qualitative" analysis of most impacts it, in fact, only evaluates agency costs, timber and road construction/reconstruction. There are associated impacts related to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. How can the Forest Service make an informed decision with such a lack of information necessary for adequate analysis?

2) *The Draft EIS contains numerous NEPA deficiencies.*

Following is a list of areas in which the Draft EIS does not meet basic Council on Environmental Quality Regulations for NEPA:

- a) The NEPA process must be useful to decision-makers.
- b) Emphasize interagency cooperation including counties.
- c) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analysis.
- d) Study, develop and describe appropriate alternatives.
- e) Consult early with State and local agencies.
- f) Invite the participation of Federal, State and local agencies.

- g) Statements shall be concise, clear and to the point, and shall be supported by evidence.
- h) Statements shall be analytic rather than encyclopedic.
- i) Agencies shall not commit resources prejudicing selection of alternatives.
- j) Statements shall assess the environmental impacts, rather than justify decisions already made.
- k) Each statement shall contain a summary that adequately and accurately summarizes the statement.
- l) Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- m) Avoid useless bulk.
- n) Circulate the statement and request comments from Federal, State and local agencies authorized to develop and enforce environmental standards.
- o) Incorporate material by reference only when it is reasonably available.
- p) Insure the scientific integrity of discussions.

3) *The Draft EIS appears to be biased and pre-decisional.*

It appears that the Draft EIS lends support only for selecting the preferred alternative and proposed action. We are basing this statement on several examples, which are following:

- a) On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest or many other multiple uses.
- b) The Vice President made a statement regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He said "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel it necessary to follow the direction of the Vice President without conducting an objective analysis.
- c) Rather than providing an objective analysis of all alternatives, issues and effects the document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas.

4) *The Draft EIS contains discrepancies and contradictions relating to conclusions and data.*

There are so many discrepancies and contradictions relative to conclusions and data that it is hard to decide which are fact and which are personal biases on the authors part. For example:

- a) In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and

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Board of County Commissioners

Sue Kupillas
Commissioner

10 South Oakdale Ave., #200
Medford, Oregon 97501
(541) 774-6119
Fax (541) 774-6705
KupillISC@jacksoncounty.org

k-1-1- -60
5

COUNTY

Board of County Commissioners

Ric Holt (541) 774-6117
Jack Walker (541) 774-6118
Sue Kupillas (541) 774-6119
Fax (541) 774-6705

10 South Oakdale, Room 200
Medford, Oregon 97501

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- a) In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." Which is it? The first statement harshly contradicts the second.
- b) The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options.
- c) The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects, which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

In conclusion, it is our wish to go on record as requesting that the Forest Service either:

- 1) Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process;
- 2) Supplement this Draft EIS, as per CEQ Regulation 40 DFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts; or
- 3) Revise the Draft EIS as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

Thank you,

Steven E. Grasty,
Judge, Harney County Court

SEG:sj

USDA Forest Service CAET
Attn: Roadless
P.O.Box 221090
Salt Lake City, Utah 84122

To Whom It May Concern:

This letter is to request an extension to the comment period. I will need 120 days in total, not the limited 60 days, to read and research and respond to the Roadless DEIS.

Sincerely,

CAET RECEIVED

MAY 23 2000

JOSEPHINE COUNTY

541 474 5105

07/17 '00 09:25 NO.159 01/02



Josephine County, Oregon

Board of Commissioners: Jim Brock, Harold L. Haugen, Frank Iverson

Josephine County Courthouse
500 NW 6th Street / Grants Pass, OR 97526
(541) 474-5221 / FAX (541) 474-5105
http://www.co.josephine.or.us

10 July 2000

USDA Forest Service-CAET
PO Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122
BY FAX: 877-703-2494

Dear Forest Service:

The Association of Oregon Counties represents all 36 Oregon counties. County government has a long-term and close relationship with the federal government in matters of national forest management policy formulation and implementation. Counties also provide services to communities in and near national forests, and for that matter, to the forests directly.

For the reasons listed, AOC makes two requests with respect to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS):

- Extend for 120 days the public comment period.
- If the DEIS goes to Record of Decision, the Prohibition alternative adopted should be Alternative 1 (no action).

Extension of 120 days of public comment.

There has been nearly a cascade of major national forest policy proposals within the last few months, including proposed planning regulations, strategic plan, transportation system and road management, clean water action plan, and these roadless area rules. It has been difficult to keep up with each individually, but it also has been daunting gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities. The environmental effects analysis admits as much by stating that the combination of rules may have cumulative effects that cannot be anticipated (p. 3-240).

These proposals contain many positive elements, but to provide helpful comments to them, AOC- and the public in general- will need more time.

Prohibition Alternative 1 is most appropriate.

Prohibition Alternative 1 makes the most sense, because roadless area treatment is a distinctly site-specific, local matter. Flexibility is essential to properly deal with the particular ecological circumstances of each unroaded area, particularly given our rapidly increasing knowledge of natural processes.

The environmental effects analysis states that in Oregon 78% of the acreage in inventoried roadless areas are at moderate to high risk from catastrophic fire (1,270,000 acres), of which 565,000 acres potentially

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"Josephine County is an affirmative Action / Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973."

JOSEPHINE COUNTY

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need treatment (35%) [p. 3-104]. Ecologically friendly roading is a critical tool for the local manager to have available. Again, the effects analysis states that in Region Six more frequent and larger wildfires occur in inventoried roadless areas [p. 3-154 and 3-157]. As a result, lack of flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire.

Particularly given the very real risk of fire, we are concerned about the impracticable approach of the Preferred Alternative, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities to clearly outweigh the risks of environmentally sound roading and harvesting.

The effects analysis on harvesting and jobs is misleading, because the baseline used is the exceedingly inactive years of 1996-99 and the "planned program" for years 2000-04 is unclear. It is likely therefore, that the negative effects on communities will be greater. It is unrealistic to assume that when local communities know what to expect from the Forest Service, they can adjust, "whatever the circumstances" [p. 3-190]. Alternative 1 gives local managers a full tool bag to consider roadless area treatments that work for the environment and communities.

The effects analysis would have been stronger if the Forest Service had fulfilled its pledge of collaboration and consultation with counties. The draft rule refers frequently to a lack of information on potential effects to communities and forests, and often resorts to subjective jargon as conclusions (e.g., "most benefits," "lowers the likelihood," "slightly increasing," "minimizing"). Costs of implementation, such as fire suppression, fuel reduction, mitigating impacts, and likely level of congressional funding, are inadequately addressed. In instances where counties are acknowledged and treated as full partners in Forest Service rulemaking, such as during early working drafts of the Interior Columbia Basin Ecosystem Management Project, the federal work product became manifestly improved and clearer. When counties are ignored, as occurred here, the federal work product is not as strong.

Alternatives 2, 3 and 4, although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.


We hope that our comments are helpful and taken seriously.

Sincerely,

JOSEPHINE COUNTY BOARD OF COMMISSIONERS


Frank Iverson, Chair

Jim Brock - Absent
Jim Brock, Vice Chair


Harold L. Haugen, Commissioner

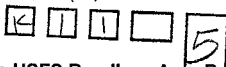
cc: AOC/O&C



Klamath County - Board of Commissioners

LOCATION AND MAIL: 305 MAIN STREET, SUITE 224
PHONE # (541) 883-6100

KLAMATH FALLS, OREGON 97601-6391
FAX # (541) 883-6163
E-MAIL: BOCC@CO.KLAMATH.OR.US



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JUL 05 2000

Testimony for the USFS Roadless Area Rule Hearing
June 28, 2000
Klamath Falls, Oregon

Good evening ladies and gentleman I am Klamath County Commissioner Steve West and I offering comments on behalf of the Klamath County Board of Commissioners. The Board is in the process of conducting a detailed and comprehensive review of the draft EIS in conjunction with other thirty-five counties in Oregon and the Association of Oregon Counties. The Boards comments today are general in nature and will be supported by submission of our detailed review to the Chief Dombek, USDA-Forest Service prior to the close of the comment period on July 17.

The Boards review, to date has revealed the following issues and concerns:

1. The Draft EIS appears to be Biased and Predecisional

However harsh this may appear, recent actions by Chief Dombek, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let me site some examples.

- A. On February 12, 1999 the Forest Service published an interim finale rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, recreation, or many other multiple uses.
- B. The Vice Presidents statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it; No new road building and no timber sales in the roadless areas of our national forests". Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.
- C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues and effects.

2. The Draft EIS does not adequately address the impacts on Counties and local governments.

The Forest Service admits that their assessment method conducts a "qualitative" analysis of most impacts. In fact the analysis only provides a "quantitative" evaluation of agency costs, timber and road construction and reconstruction – and framed mostly in a negative context. There are Many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. I do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads to the next point

3. The Draft EIS contains numerous NEPA deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in areas too numerous to mention in the time allocated to me today but will be cited in the formal written comments.

4. The Draft EIS contains discrepancies and contradictions relating to conclusions and data.

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The Draft EIS contains discrepancies and contradictions as it relates to conclusions and data that makes it difficult to determine which are fact and which are the authors personal biases. Some examples are:

- A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than planned management activities. However the agency considers the risk of road construction and timber harvest to be unacceptable.
- C. In one statement the Forest Service says, "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways – Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement, which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns, The Klamath County Board of Commissioners would like to go on record in Requesting the Forest Service, either,

- 1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then local government can play an active role as participants in the process.
- 2. Supplement this Draft EIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to my (our) environmental concerns and bearing on the proposed action and its impacts.
- 3. Revise the Draft EIS, as per CEQ Regulation 40 1502.9(a), to address inadequacies that preclude meaningful analysis.
- 4. An finally, provide an exemption in the Roadless Policy for the proposed Pelican Butte Ski Area on the Klamath Ranger District of the Winema National Forest which would allow the ongoing EIS process for the project to continue to normal conclusion.

Thank you for the opportunity to comment on an issue of such importance to the citizens of Klamath County and their representative governments.

Good evening ladies and gentleman  am Klamath County ⁴³⁹⁸⁷

Commissioner Steve West and I am offering comments on behalf of the Klamath County Board of Commissioners. The Board is in the process of conducting a detailed and comprehensive review of the draft EIS in conjunction with other thirty-five counties in Oregon and the Association of Oregon Counties. The Boards comments today are general in nature and will be supported by submission of our detailed prior to the close of the comment period on July 17.

The Boards review to date has revealed the following issues and concerns:

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2. The Draft EIS does not adequately address the impacts on Counties and local governments.

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ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA. ⁴³⁹⁸⁷

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The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in areas too numerous to mention in the time allocated to me today but will be cited in the formal written comments.

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The Draft EIS contains discrepancies and contradictions as it relates to conclusions and data that makes it difficult to determine which are fact and which are the authors personal biases.

4. Conclusion

As relief to our concerns, The Klamath County Board of Commissioners would like to go on record in Requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management

2

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17-00 03:35P Stephanie Bailey

541-884-5195

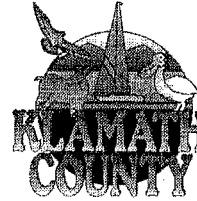
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planning processes. Then local government can play an active role as participants in the process.

2. Supplement this Draft EIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to the Boards environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 1502.9(a), to address inadequacies that preclude meaningful analysis.
4. An finally, provide an exemption in the Roadless Policy for the proposed Pelican Butte Ski Area on the Klamath Ranger District of the Winema National Forest which would allow the ongoing EIS process for the project to continue to normal conclusion.

Thank you for the opportunity to comment on an issue of such importance to the citizens of Klamath County and their representative governments.



Klamath County Chamber of Commerce

701 Plum Street
Klamath Falls, OR 97601
Phone: 884-5193 Fax: 884-5195
E-Mail: inquiry@klamath.org
Website: www.klamath.org

July 17, 2000

Winema National Forest
3200 Delap Road
Klamath Falls, OR 97601

To Whom it May Concern:

The Klamath County Chamber of Commerce would like to take this opportunity to express their support of Pelican Butte's efforts for exemption from the Forest Service Roadless Plan.

At our most recent board meeting our board of directors unanimously voted to stand in favor of Pelican Butte's efforts to be treated fairly in their request for exemption. Pelican Butte has been adamant about following through on what has been considered a long and drawn out process. This process has taken three exhaustive years and cost \$3.5 million. That effort and money are now in jeopardy because of this proposed roadless plan.

Exemption is a fairness issue. An exemption doesn't mean the approval or disapproval of Pelican Butte. It simply means that Pelican Butte would be treated fairly in a process that has happening for three years now.

Pelican Butte has been left out of all previous roadless acts because it has long been considered for a prospect for a winter recreation area. Now that area, and the aspirations that Klamath County has for it, could be shattered because of this proposed act.

Pelican Butte is not a new idea. This recreation area has been in the works for 30 years. We have jumped through all of the hoops and spent millions of dollars trying to make this a reality for Klamath County. Please note that we strongly support Pelican Butte being granted an exemption to complete the process that we began three years ago. Granting an exemption is the only fair thing to do.

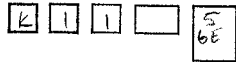
Sincerely,

Stephanie Bailey
Stephanie Bailey
Executive Director



Lane County Board of Commissioners

Bill Dwyer
Bobby Green, Sr.
Anna Morrison
Peter Sorenson
Cindy Weeldreyer



July 12, 2000
WP bc/am/00001/T

USDA Forest Service-CAET
P.O. Box 221090
ATTN: Areas Proposed Rule
Salt Lake City, Utah 84122

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JUL 17 2000

Dear Forest Service:

The Commissioners of Lane County are joining with the Association of Oregon Counties and the National Association of Counties in requesting that you immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revisions or Amendment process.

If you choose not to withdraw the Proposed Rule and Draft EIS, we request a 120-day extension of the public comment period. The original 60-day public comment period is completely inadequate to review and develop substantive comments on such a complex and far-reaching proposal that impacts the management of 40-60 million acres.

The Forest Service has failed to provide an understanding of how this Draft EIS and rulemaking relates to the proposed forest planning regulations or the proposed road management and transportation system policy. It is premature to promulgate new direction and policy that are dependent on changes that cannot be implemented pursuant to current Agency regulations.

The public must be made aware of how these proposed policy proposals relate to one another. We cannot expect the American public to comment on a part of an Agency policy proposal. We have grave concerns for the number of administrative and legal challenges that these interrelationships between your agency's current and proposed policies potentially represent. Without clear and implementable administrative procedures, there will continue to be serious implications to the management of our National Forest system.

Americans want access to the recreation and natural beauty our nation's forests offer. They expect healthy forests where wildlife and fish abound. They demand that firefighters keep wildfires contained in order to protect lives and the livelihoods of communities. And property owners have the right to access their private lands, which are surrounded by national forests. To satisfy the above mentioned needs of the American public, there must be adequate, accessible roads into the forest.

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Page 2 - Letter to USDA Forest Service-CAET
WP bc/am/00001/T

According to a recent report from your agency, the National Forest System is experiencing the worst health crisis in its history with over one-third of our National Forest system at catastrophic risk to wildfire, insect infestation, and disease. Yet rather than embracing a scientific approach to manage these lands, the Forest Service has issued this Draft EIS which would wall-off all of these acres to no management.

The future of our nation's lands is too important to be decided without sufficient public input and careful consideration of a long-term strategic approach to managing these resources. We look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of collaboration.

Sincerely,

Anna Morrison, Vice-Chair
Lane County Board of Commissioners

CC: Senator Smith
Senator Wyden
Representative DeFazio
Representative Hoolcy
Representative Walden
Representative Wu
Governor John Kitzhaber
Chief Mike Dombeck



UNION COUNTY
BOARD OF COMMISSIONERS

STEVE McCLURE, Commissioner
JOHN J. HOWARD, Commissioner
COLLEEN MacLEOD, Commissioner

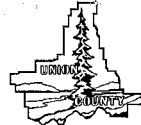
1106 "K" AVENUE

LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX No. 963-1079

43988



UNION COUNTY
BOARD OF COMMISSIONERS

STEVE McCLURE, Commissioner
JOHN J. HOWARD, Commissioner
COLLEEN MacLEOD, Commissioner

1106 "K" AVENUE

LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX No. 963-1079

43988

May 23, 2000

Michael Dombeck
Chief, U.S.F.S.
Department of Agriculture
201 14th Street, SW
Washington, D.C. 20090

Dear Chief Dombeck,

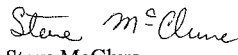
Having spent the bulk of the last few years actively involved in the proposed local consensus building exercises that the USFS purports to utilize, it was with dismay we read the DEIS regarding the President's roadless areas.

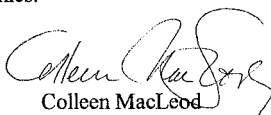
It is no mistake that you will not find the word "roadless" in a spell check program. This is a new concept being introduced by the federal government which effectively excludes large segments of our nation's population who are increasingly unable to gain access to land that is being acquired in their name, with their money. Your attack on our communities and residents further illustrates your hollow offers at a local, inclusive process.

In particular, we take offense at the insulting, inflammatory terms used to describe natural resource workers and their profession. These people you deem "migratory" with a "less developed sense of occupational identity" are 3rd and 4th generation members of our communities who, like their ancestors before them, have been proud to supply this nation with the natural resources that it has desired and required.

It is incomprehensible that a government agency would demean and diminish their sense of pride in their chosen way of life and the service that they have provided to others.

If "timber dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, poor housing, social services and community infrastructure", it has been a result of the federal government's systematic destruction of the underpinnings that have kept us prosperous members of the nation's workforce; namely the ability to effectively and proudly manage our own land and our own destinies.

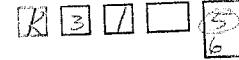

Steve McClure
Commission Chair
cc: Oregon delegation


Colleen MacLeod
Commissioner


John Howard
Commissioner

COMMENT: Roadless Initiative

Baker City Hearing
June 28, 2000



It is with reservation that we make comment on the proposed roadless initiative. All indications we have received from our representatives in Washington D.C., illustrate the probability that this hearings process is window dressing for decisions that have already been made. We have the feeling that there is a Wilderness Act train going by without hesitating for its required stops.


The ringing endorsement for the proposal, before public comment, from the Vice President indicates the suspected outcome of this heavy handed attempt to exclude large portions of the American people from public property. This is land that is purported to be purchased with public dollars to be managed for the public's enjoyment and betterment.

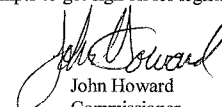
A recent questionnaire from the BLM stated "America's federally owned lands represent an important component of the collective wealth of every citizen". The question has to be asked; what portion of the "collective" population will enjoy or benefit from this land that you intend to make inaccessible? Who will have access to this public property besides Forest Service employees and physically fit hikers? A nation that revolves around the Americans with Disabilities Act, has to be appalled at your short sighted lack of sensitivity and your intentions of slamming an access door to public property in the face of seniors, disabled, and anyone who isn't physically fit enough for the rigors of hiking endless miles.

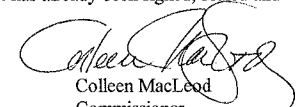
The illustration of whether the USFS is the ultimate authority and best schooled in land management is all too often painfully evident in the west. The ailing and insect decimated forests are all too often blamed on the logging industry and greedy timber agencies, when indeed, your forest practices, such as years of fire suppression, weren't necessarily the best science of the time. The fact that privately owned lands are often healthier and better cared for than public lands was admitted by your own Chief Mike Dombeck at the Andrus Public Policy meeting in Boise a year ago. The supposition that influence of man on land or animals is always negative is driving too many decisions emanating from your agency.

This is not to say that we all haven't learned better forest practices. Continuing education in the art of land management skills are a process open to public and private alike. But the wild swing from over management to no management is a practice that we will be mopping up after for generations to come, and at the cost of lives for all species: be they human or endangered.

We request Alternative One, No Action, No Prohibitions. The Roadless Initiative is bad planning and bad science. It is patently heavy handed, considering the amazing strides and innovations that local communities and stakeholder partners have made in recent years with federally directed processes. These partners, again, at federal direction, have taken on the responsibility for managing their surroundings by way of consensus. Real consensus, not hollow attempts to get sign on for legislation that has already been signed, sealed and delivered.


Steve McClure
Commission Chairman


John Howard
Commissioner


Colleen MacLeod
Commissioner



UNION COUNTY
BOARD OF COMMISSIONERS

43988

STEVE McCLURE, Commissioner
JOHN J. HOWARD, Commissioner
COLLEEN MacLEOD, Commissioner

1106 "K" AVENUE

LA GRANDE, OREGON 97850

PHONE (541) 963-1001

FAX No. 963-1079

June 28, 2000

USDA Forest Service – CAET
PO Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Forest Service:

Union County is about one-half privately owned and one-half federally owned. Because of this unique ownership, Union County has been working in partnership with the Federal Government on many joint projects which have been successful in improving the ecosystem. Examples of these successful joint projects are: the Upper Grande Ronde Salmon Conservation Plan, the recently EPA-approved Total Maximum Daily Load Plan and the much-talked about Grande Ronde Model Watershed. These successes have been achieved by utilizing a local citizen process.

Even with the successful partnerships, much more needs to be done to achieve ecosystem health on public lands. In particular, efforts are needed in roadless areas that have been set aside because of the inability to implement treatment to maintain a healthy functional watershed. Many of these roadless areas are the anchors of watershed health that provide the quality of water that is needed for downstream aquatic uses. In roadless areas of the Blue Mountain Forest we have lost the forest canopy cover and the vegetation cover for soil erosion to lethal (catastrophic) fires. These areas are key watersheds. The most recent fires were the Summit Fire and the Tower Fire which totaled over 50,000 acres in size. These lethal fires had an immediate impact to soil erosion and to water quality in the watershed and will take years to restore.

The La Grande Beaver Creek watershed is one of the key remaining watersheds that provides excellent habitat for Bull Trout and spawning habitat for Steelhead. Both are listed as threatened endangered species. Union County has been working with the La Grande Ranger District through a citizen process to develop an Environmental Impact Statement to address the ecosystem health concern of the watershed. The watershed is a prime target for a lethal fire, similar to that of the Summit and Tower fires and is in the zone of predictable lightning strikes. A proposed treatment is to reduce the fuel load and to minimize the risk of a full blown lethal fire. Temporary roads are needed to access the watershed to remove the fuel load and to provide the right silvicultural treatment that is absolutely necessary to maintain the condition of the watershed.

USDA Forest Service – CAET
June 28, 2000
Page 2

43988

Helicopter logging is out of the question because of the cost and the inability to lift the material because the condition of the wood fiber would break apart. The issue of concern is the prohibition of roads contained in the preferred alternative in the Roadless EIS. There are many other watersheds that are roadless that need similar treatment to maintain the ecological condition. Each watershed or roadless area has its own uniqueness and must have flexibility for management at the local level--not a one size fits all from the top down.

I support Alternative 1 because it makes the most sense in maintaining and enhancing the ecosystem of the roadless areas, which are most important to watershed health. Ecologically friendly roading is a critical tool for the local manager to have available. A lack of flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire because of a lack of sufficient management.

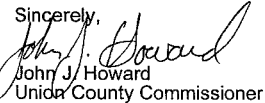
Because of the very real risk of fire and the ecological impact that it has had on the Summit and Tower Fires, the impracticable approach of the Preferred Alternative is simply not an option, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities which clearly outweigh the risks of environmentally sound roading and silviculture treatment.

There have been multiple initiatives from the agencies recently. Gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities has been difficult. A 120-day extension of the public comment period would allow a more thorough review of the policies being proposed.

Alternatives 2, 3, & 4 although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship and appropriate silviculture treatment that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.

I hope that my comments will be helpful and be taken seriously. These comments were developed from my 14 years as a county commissioner who has worked with the local forest managers and the public in finding reasonable solutions to our current forest health conditions utilizing a partnership approach.

Sincerely,

John J. Howard
Union County Commissioner

43 988

UNION COUNTY CHAMBER OF COMMERCE at LA GRANDE

Cove, Elgin, Imbler, Island City, La Grande, North Powder, Summerville, Union
Judy Loudermilk, Director
1912 Fourth Street, Suite 200 - La Grande, Oregon 97850
(541)963-8588 - (800)848-9969 - FAX(541)963-3936

June 16, 2000

Mike Dombeck
USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122 roadless.fs.fed.us

Dear Chief Dombeck,

It is with concern and dismay we write to comment on the current administration's proposed roadless areas.

We are a predominantly rural area, with nearly half of our county taken up by public land. The proposed roadless initiative will affect 55,170 acres of this county. We feel this gives us considerable standing in the incredibly short comment period.

The reduction in natural resources jobs in our area due to this administration's actions has already dealt a devastating blow to our economy. This blow has had a ripple affect through our entire business community. Part of the supposed salve for this economic wound has been the ludicrous idea that we could replace this loss of economy with recreation and tourist jobs and retirees seeking a quiet life. This illuminates how little the USFS knows about our business economy. The roadless plan reveal how little Washington, DC understands about local recreation or retirees needs.

The plan maintains that these enormous areas must be set aside. The message is that these will be set aside for only those individuals young enough and healthy enough to walk into them. That is unacceptable to the elderly and physically limited citizens of our county or the visitors that you have promised will make us economically whole again. We must quit trying to prove that all action by man (unless that man is a healthy backpacker) is bad for nature. Some of the most unhealthy, disease ridden forest in this nation are the result of USFS actions over the past several decades. Some of the healthiest lands are managed private lands (a fact which you acknowledged yourself at a public lands forum in Boise in 1999).

It is apparent that the desire is to create massive wilderness areas with this quick, short comment process. This feels like a train going by with no intention of really stopping for the local dialog and consensus that you purport to value.

This is top-down, poorly thought out land management at its very worst.

Thank you for the opportunity to comment

Union County Chamber of Commerce Advocacy Committee

③
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**WALLOWA COUNTY
BOARD of COMMISSIONERS**
State of Oregon

19302

Benjamin M. Boswell, Chairman
Darrell McPetridge, Commissioner
Mike Hayward, Commissioner

541-426-4543 ext. 11
FAX 541-426-0582
e-mail:rcbce@oregon.gov.net

July 17, 2000

Mr. Mike Dombeck
Chief United States Forest Service
USDA Forest Service-CAET
Post Office Box 221090
ATTN: Roadless Areas Proposal Rule
Salt Lake City, Utah 84122

Dear Mr. Dombeck,

The Wallowa County, Oregon Board of Commissioners would like to take this opportunity to go on record as opposing the Draft Environmental Impact Statement for Roadless Area Conservation. We are very concerned about the top down approach that this document has taken. Wallowa County has been very involved with land management and land use issues for many years. Starting with the writing of the Wallowa County/Nez Perce Tribe Salmon Habitat Recovery Plan in 1992 our County has taken a proactive stance on environmental issues. It is our belief that we must work together to find solutions both on public and private land.

The Wallowa County Board of Commissioners has entered into Memoranda of Understanding (MOU) with both the Wallowa-Whitman and the Umatilla National Forest. We are deeply concerned that Environmental Impact Statements originating from Washington D.C. are a direct violation of our MOU's. These documents refer to collaboration, cooperation, and joint planning and yet we see none of this in this DEIS. It is for this reason that we feel the only acceptable alternative is Alternative 1, the No Action Alternative, for both the Prohibition Alternatives and the Procedural Alternatives. We both believe in and value the importance of Roadless Areas, however this blanket, one size fits all approach is totally inappropriate and goes against good land use management. A much better approach is to address the Roadless Area issue as we revise the local Forest Plans.

We are experiencing a crisis in the Rocky Mountain Region and the Pacific Northwest. Forest health is perhaps at an all time low. Years of fire prevention, coupled with poor silvicultural practices has left behind a forest in dire need of treatment. To reintroduce fire without first reducing the fuel load is a prescription for disaster over much of the landscape. This is true on both roaded and un roaded land. For this reason if you must choose one of the action alternatives we would request that timber harvest continue to be allowed in roadless areas. Once again local

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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decisions will need to be made as to the appropriate prescriptions, including whether roads are necessary for the health of the forest.

We are concerned that the DEIS downplays the significance of the Roadless Area Conservation on the social and economic well being of communities. While the total number of jobs lost may be small on a national scale, they will be significant for some isolated, forest dependent communities. This was pointed out in the Interior Columbia Basin Ecosystem Management Project DEIS.

Our final area of concern is that it seems that there is a continued desire by some to lump all roads into the undesirable category. Not all roads are equal, some are poorly constructed and present unacceptable environmental risk, while others actually enhance our opportunity to accomplish forest restoration projects. This again points to the need for specific management direction driven at the local level.

In summary we would reiterate that the only acceptable alternative is the No Action Alternative. Allow the local Forest Service personnel to do their job in concert and collaboration with the local community. Only in this way can we truly be partners as our MOU's state.

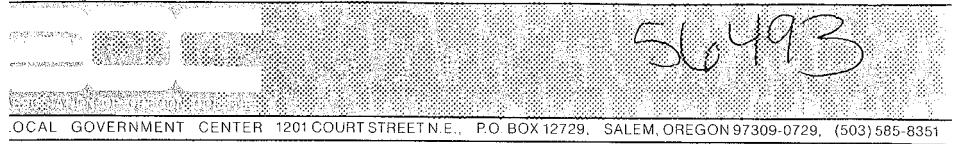
Thank you for this opportunity to comment.

Sincerely,

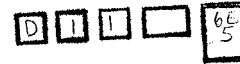
Benjamin M. Boswell
Benjamin M. Boswell, Chairman

Darrell McFetridge
Darrell McFetridge, Commissioner

Mike Hayward
Mike Hayward, Commissioner



July 17, 2000



USDA Forest Service-CAET
PO Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122
BY FAX: 877-703-2494

CAET RECEIVED
JUL 17 2000

Dear Forest Service:

The Association of Oregon Counties represents all 36 Oregon counties. County government has a long-term and close relationship with the federal government in matters of national forest management policy formulation and implementation. Counties also provide services to communities in and near national forests, and for that matter, to the forests directly.

For the reasons listed below, AOC makes two requests with respect to the Roadless Area Conservation Draft Environmental Impact Statement (DEIS):

•Extend for 120 days the public comment period.

•If the DEIS goes to Record of Decision, the Prohibition Alternative adopted should be Alternative 1 (no action).

Extension of 120 days of public comment.

There has been nearly a cascade of major national forest policy proposals within the last few months, including proposed planning regulations, strategic plan, transportation system and road management, clean water action plan, and these roadless area rules. It has been difficult to keep up with each individually, but it also has been daunting gauging the cumulative effects of all these proposals together, both for the ecosystem and local communities. The environmental effects analysis admits as much by stating that the combination of rules may have cumulative effects that cannot be anticipated (p. 3-240).

These proposals contain many positive elements, but to provide helpful comments to them, AOC - and the public in general - will need more time.

Prohibition Alternative 1 is most appropriate.

Prohibition Alternative 1 makes the most sense, because roadless area treatment is a distinctly site-specific, local matter. Flexibility is essential to properly deal with the particular ecological circumstances of each unroaded area, particularly given our rapidly increasing knowledge of natural processes.

The environmental effects analysis states that in Oregon 78% of the acreage in inventoried roadless areas are at moderate to high risk from catastrophic fire (1,270,000 acres), of which 565,000 acres potentially need treatment (35%) [p. 3-104]. Ecologically friendly roading is a critical tool for the local manager to have available. Again, the effects analysis states that in Region Six more frequent and larger wildfires occur in inventoried roadless areas [p. 3-154 & 3-157]. As a result, lack of

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flexibility on appropriate roading not only will harm efforts at fire prevention and control but may also increase the incidence of fire.

Particularly given the very real risk of fire, we are concerned about the impracticable approach of the Preferred Alternative, considering the often prohibitive costs of mechanical treatments and helicopter logging without road access. Prohibiting forest managers from appropriate local stewardship opportunities likely will cause the risk of catastrophic fire and negative impacts on communities to clearly outweigh the risks of environmentally sound roading and harvesting.

The effects analysis on harvesting and jobs is misleading, because the baseline used is the exceedingly inactive years of 1996-99 and the "planned program" for years 2000-04 is unclear. It is likely, therefore, that the negative effects on communities will be greater. It is unrealistic to assume that when local communities know what to expect from the Forest Service, they can adjust, "whatever the circumstances" (p. 3-190). Alternative 1 gives local managers a full tool bag to consider roadless area treatments that work for the environment and communities.

The effects analysis would have been stronger if the Forest Service had fulfilled its pledge of collaboration and consultation with counties. The draft rule refers frequently to a lack of information on potential effects to communities and forests, and often resorts to subjective jargon as conclusions (e.g., "most benefits", "lowers the likelihood", "slightly increasing", "minimizing"). Costs of implementation, such as fire suppression, fuel reduction, mitigating impacts, and likely level of congressional funding, are inadequately addressed. In instances where counties are acknowledged and treated as full partners in Forest Service rulemaking, such as during early working drafts of the Interior Columbia Basin Ecosystem Management Project, the federal work product became manifestly improved and clearer. When counties are ignored, as occurred here, the federal work product is not as strong.

Alternatives 2, 3, & 4, although varying in rigidity, are nevertheless top-down, one-size-fits-all prescriptions that ignore unique local conditions and unnecessarily increase costs and risks of forest management.

If there is to be a Record of Decision, it is critical for stewardship that the ROD permit at least temporary roads that do not change the hydrology of the watershed. This would permit managers to maintain or move the forest to its preferred condition.

In addition, we stand with Klamath County and the City of Klamath Falls in their request that the proposed Pelican Butte ski/winter recreation site continue to be considered under NEPA environmental review. As noted in their letter to Secretary Dan Glickman, it is important that the Roadless Area Conservation Rule not operate to short-circuit one of the most intensive environmental review processes for recreational development in the nation's history. Stated directly, we urge that if there is a Record of Decision it exempt areas under consideration in the proposed Pelican Butte draft EIS.

We hope that our comments are helpful and taken seriously.

Sincerely,

Commissioner Harold Haugen, Josephine County
President

c. Oregon congressional delegation
National Association of Counties (Jeff Arnold)

CITY OF KLAMATH FALLS

500 KLAMATH AVENUE - P. O. BOX 237
KLAMATH FALLS, OREGON 97601
Sister City - Rotorua, New Zealand
FAX (541) 883-5399 - TDD (541) 883-5324

July 5, 2000



U. S. D. A. Forest Service
Attn: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED

JUL 10 2000

Re: Pelican Butte Exception and Disabled Access

Gentlemen:

The City of Klamath Falls supports an exemption for the proposed Pelican Butte ski development from the Roadless Area Proposed Rule.

Development of Pelican Butte for recreational skiing has been a dream of this community for over 30 years. Shifting goal posts in the past have frustrated prior efforts. Countless local resources have been expended in efforts to bring this proposal to decision. The current proposal has an expenditure of millions of dollars already in the process. It deserves to go to decision. Don't call the game in the middle of the 4th quarter. Exempt Pelican Butte and let the process continue so that the proposal can stand or fall on its own merits.

In addition, we have a serious problem with the denial of forest access to our disabled and elderly citizens represented by this roadless proposal. Currently local governments and private businesses throughout the country are expending millions of dollars to improve accessibility to public places for mobility-impaired Americans.

Roadless and wilderness areas are great for the able-bodied person who can afford to get to them. For the mobility-impaired, senior citizens and aging baby boomer population no roads equates to no access. This proposed roadless policy runs directly contrary to the principles behind the Americans with Disabilities Act and access for all American to our public places.

Forests need to be managed by your Forest Service professionals at the local level. Some roads need to be removed, some maintained and perhaps even some new ones built to assure forest health, fire protection and recreational access. A broad brush, one-size-fits-all edit from Washington D.C. is simply not in the best interests of our forests or our people.

Sincerely,

Jeffrey D. Ball
City Manager

c: Mayor and Council

Mayor, Council & City Manager
(541) 883-5316

City Attorney
(541) 883-5372

Finance Director



Pennsylvania Department of Conservation and Natural Resources
Rachel Carson State Office Building
P.O. Box 8552
Harrisburg, PA 17105-8552
July 17, 2000

27188

Bureau of Forestry

717-787-2708

Mr. Michael Dombeck
Chief
Forest Service
U. S. Department of Agriculture
201 14th & Independence, SW
Post Office Box 96090
Washington, DC 20090-6090

Dear Chief Dombeck:

Your letter to Governor Ridge has been forwarded to me for a reply.

In Pennsylvania the only land affected by the Forest Service's Roadless Area Conservation Proposed Rule is a small portion (approximately 5%) of the Allegheny National Forest.

The Bureau of Forestry has maintained cooperative agreements with USDA-Forest Service for several years to provide financial support for the construction, reconstruction and maintenance of snowmobile and all-terrain vehicle trails. Many of the routes designated for winter-season use by snowmobiles are in fact National Forest System roads. The northern third of our Commonwealth typically receives more snow than the rest of the state. Many of Pennsylvania's snowmobilers count on riding the 360 miles of roads and trails open for snowmobiling on the Allegheny National Forest.

The Bureau urges the Forest Service to continue recreational activities within the inventoried roadless areas at levels consistent with current usage and maintain the ability to expand the trail systems where appropriate.

We would also urge the Forest Service to allow temporary road construction needed for timber harvest within the inventoried roadless areas. The preferred alternative for the Bureau of Forestry would be Alternative 1 - No Actions, No Prohibitions.

Thank you for the opportunity to comment on this proposed rulemaking.

Sincerely,

Michael B. Lester
Assistant State Forester

Stewardship

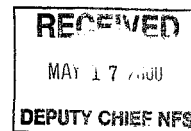
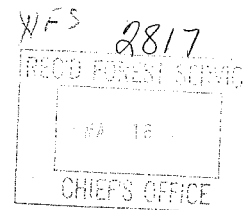
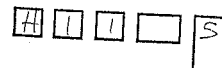
Partnership

Service

TOWN OF BLOOMSBURG

Town Hall
Mary Lenzini Howe, Mayor
301 East Second Street ♦ Bloomsburg, PA 17815
Phone: 570-784-7703 ♦ Fax: 570-784-1518
email: marylh@townhall.bafn.org

May 10, 2000



MAY 17 RECD

U.S. Forest Service
Michael Dombeck, Chief
PO Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of a rural Pennsylvania area, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

Roadless areas provide unique habitat for fish and wildlife species of great recreational, commercial, and cultural value. In addition, these areas protect the watersheds and big game habitat that provide Pennsylvania hunters and fishermen with unparalleled recreation opportunities. Protecting them protects our history and ensures a vibrant future.

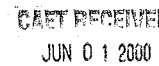
In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. These unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

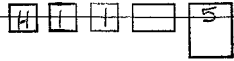
Sincerely,

Mary Lenzini Howe, Mayor



cc: Rick Santorum, U.S. Senator

City of Erie



Joyce A. Savocchio, Mayor

6387

June 23, 2000

USDA Forest Service – CAET
 Attn: Roadless Areas Proposed Rule
 P.O. Box 221090
 Salt Lake City, UT 84122

Dear Chief Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Pennsylvania, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Pennsylvania, whose name literally means "Penn Wood," is fortunate to have some of this nation's most impressive national forests. A medley of eastern hemlock, white pine and American beach, the Allegheny National Forest covers 513,000 acres in northwestern Pennsylvania.

Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. Roadless areas in the Allegheny provide prime habitat for endangered and threatened species including the Bald Eagle and Indiana bat. In addition, these areas protect the watersheds and big game habitat that provide Pennsylvania hunters and fishermen with unparalleled recreation opportunities. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource

Office of the Mayor
 626 State Street • Erie Pennsylvania 16501-1128 • (814) 870-1200

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City of Erie

Joyce A. Savocchio, Mayor

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extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1,000 acres and larger, in all national forests. The final policy must protect these areas from logging, roadbuilding, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

Sincerely

Joyce A. Savocchio
 Joyce A. Savocchio
 Mayor

JAS/ag

Office of the Mayor
 626 State Street • Erie Pennsylvania 16501-1128 • (814) 870-1200



STATE OF SOUTH DAKOTA
WILLIAM J. JANKLOW, GOVERNOR

July 14, 2000

USDA Forest Service-Content Analysis Enterprise Team (CAET)
Attention: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

Via Fax to: (877) 703-2494

SUBJECT: Comments on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement

The State of South Dakota appreciates the opportunity to comment on the Roadless Area Proposed Rule and accompanying Draft Environmental Impact Statement (DEIS). We acknowledge the fact that preparation of such documents is a tremendous and time-consuming undertaking and, therefore, we appreciate the Forest Service for putting forth the effort. Our comments will focus on the issues and concerns of roadless areas and timber harvest. This rule has the potential of affecting 54.3 million acres of National Forest System (NFS) land across the United States and 120,000 acres in South Dakota. While this proposal recognizes the importance of roadless areas, it applies a national direction that contains several serious shortcomings when applied on a local level and several flaws in its justification, analysis, and national application.

While we do not necessarily subscribe to permanent prohibition of road construction, reconstruction, or timber harvest in roadless areas, when such decisions are made, they should be implemented for multiple-use and sound resource management that meet the basic standards of land stewardship. The principles of land stewardship should be applied to all public lands on both roadless areas and throughout the National Forests. Proper constraints must be placed on all forest service activities to insure benefits for all publics over time.

The Forest Service has two ongoing efforts related to the proposed Roadless Area Conservation Rule, namely, the proposed National Forest System Land and Resource Management Planning Rule and the proposed National Forest System Road Management and Transportation System Rule. The Management Planning Rule would provide for the long-term sustainability of national forest and grasslands, ensure public involvement, and integrate science more effectively into the planning process. The National Forest Transportation System regulations and associated Road Management Policy addresses existing roads and how the road system is developed, used, and maintained. The three rules must be carefully thought out, written, and the efforts closely coordinated for clear understanding to avoid confusion among the documents.

We believe that the few roadless areas remaining should be managed for their inherent values, including clean water, biological diversity, dispersed recreational opportunities, wildlife habitats, forest health, timber production, and other public benefits. We are uncertain with the

EXECUTIVE OFFICE
STATE CAPITOL
500 EAST CAPITOL
PIERRE, SOUTH DAKOTA
57501-5070
605-773-3212

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USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
July 14, 2000
Page 2

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definition of "forest health" and how it might be interpreted and applied versus land stewardship, multiple-use management, and ecological sustainability. While we acknowledge that every acre cannot be managed for all uses, proper functioning of the ecosystem must prevail across the landscape and forest. Forest health should entail more than timber diseases.

The purpose of the action was to stop activities that degrade characteristics of Roadless Areas and to identify and evaluate, through the plan revision process, the merits of how the areas should be managed. The State supports national direction, in part, for management of roadless areas. RARE I started nearly 30 years ago and RARE II over 20 years ago. National direction is often required to overcome local controversy and politics and to provide impetus and consistency across National Forest System (NFS) lands. Site specific decisions should be made on the local level.

The Forest Service does not adequately establish a need for the proposed rule. The DEIS cites three reasons why this action is needed. 1) Road construction, reconstruction, and timber harvest in inventoried roadless and other unroaded areas can directly threaten their fundamental characteristics through the alteration of natural landscapes and fragmentation of forestlands. While it is true that roads and timber harvest alter landscapes and fragment forestlands, so do natural processes such as fire, insect epidemics, and diseases. Due to the cessation of road construction and reconstruction, costs will prohibit most vegetation management designed to protect the forest from fire, insect, and disease disturbances. Therefore, landscapes will continue to change and fragmentation will continue regardless of this rule. 2) Budget constraints permit only a small portion of the agency road system to be managed effectively. For the last five years, the Forest Service has requested only a fraction of the funds that it needs to maintain the agency road system while Congress has funded 100 percent of the road maintenance budget request. This suggests that the backlog for maintenance is being created by self-imposed budgetary constraints. Discontinuing road construction and reconstruction activities will not eliminate the maintenance backlog. The Forest Service should live up to its management responsibilities and address the backlog, not stop managing the forest. 3) National concern over roadless area management continues to generate controversy, including costly and time-consuming appeals and litigation. The proposed rule allows timber harvest to occur within roadless areas as long as no road construction or reconstruction occurs. Given that certain environmental groups have publicly expressed their goal to stop all commercial timber harvest on National Forest System lands, it is doubtful that this rule will eliminate appeals and litigation.

The proposed rule requires unroaded areas within National Forests to be analyzed for quality and importance of their roadless characteristics. The absence of criteria regarding size, configuration, minimum acreage, etc., makes this a whole new area of potential litigation. Basically, the rule extends the litigation surrounding Forest Service proposed management activities in inventoried roadless areas to other Forest System lands.

Combined with Congressionally designated roadless areas, such as Wilderness, the proposal effectively eliminates road construction and reconstruction from 95.2 million acres, or 50 percent of Forest System lands. The DEIS presents no arguments in support of a need for 95.2 million acres of roadless area.

The following six renewable resources are required by law to be managed for sustainable yield.

OUTDOOR RECREATION: The DEIS projects increased demand for dispersed, developed, and road dependant recreation, but provides no data on numbers of users and types of use. For example, the DEIS does not say what

USDA Forest Service-CAET
 Attention: Roadless Areas Proposed Rule
 July 14, 2000
 Page 3

percentage of annual forest visitor-use is on Forest Service roads. The proposal will increase reserves for primitive recreation and restrict developed recreation to present locations with more and larger facilities. The rule will apportion half the Forest System land for primitive uses but fails to show the need for such a percentage. In terms of recreation special uses, there is no data to support a need for dispersed recreational opportunities versus developed recreation.

RANGELAND: No roads will be built or repaired for grazing management purposes. About 486 miles of road planned for other purposes will not be built, and, therefore, will not be available to allotment holders. The DEIS fails to address how a ban on road repair might impact future ability to repair fence, treat sick animals, and conduct other range activity.

TIMBER HARVEST: Timber growth in all national forests was about 20.5 billion board feet (BBF) in 1996. Removal by all methods totaled only about 20 percent of that growth. The DEIS fails to explain how this complies with sustainable use. Timber offered for sale has dropped from 11 BBF in 1987 to 2.2 BBF in 1999 and does not meet domestic demand resulting in imports from Canada and other countries. The allowable sale quantity (ASQ) for all forests is approximately 7.6 BBF per year to be harvested from a suitable timber base of 42 million acres. Approximately 8 million acres or 19 percent of suitable timber base are included in inventoried roadless areas that have not been entered for harvesting. Assuming a proportional affect on ASQ would result in a reduction of 1.4 BBF annually. The DEIS claims a projected reduction of 1.1 BBF over the next five years. The DEIS fails to identify the potential harvest available from suitable lands within inventoried roadless areas and the opportunity cost associated with the loss of that potential harvest. The DEIS claims that planned timber sales in inventoried roadless areas will generate \$2.7 million in net revenues, but the associated roads will cost \$1 million per year to maintain. It is arguable that many of these roads could be closed or held to a lower standard of use significantly reducing the \$1,500 per mile per year maintenance cost. In inventoried roadless areas, planned timber sales will decline by 73 percent and harvest will decline 71 percent, affecting about 930 jobs. Again, the DEIS fails to identify potential long-term job losses due to a reduction in the suitable timber base. There is no discussion of the very real possibility that there will be no timber harvesting in the roadless areas due to litigation and because the higher costs associated with roadless harvesting may render it unfeasible.

WATERSHEDS AND WATER FLOWS: The DEIS focuses on the potential erosion and threat to water quality that results from worst case scenarios in roaded areas. There is little mention of the use of best management practices (BMPs) for protecting water quality, the establishment of streamside management zones (SMZs) where manipulation of the vegetation is very limited, or of the success these practices have had in the protection of water quality. The DEIS uses EPA data to claim negative effects of forestry practices on water quality, but the EPA data has been clearly shown to be faulty. Neither is there discussion of the effects of catastrophic fire such as development of hydrophobic soils; overland flow, altered vegetation structure; changes in stream temperature, and increased sediment loads. Timber harvest reduces loss of water due to transpiration making more water available for other uses. The DEIS does not examine potential impacts of reduced timber harvest on other water needs. The DEIS does not address how water quantity will change when the area burns in a catastrophic fire. The DEIS fails to address how the proposed rule will affect public drinking water and claims that issue can wait until 2003.

WILDERNESS: Wilderness values will be enhanced because the buffer zone of roadless area will be used to create areas of fuel reduction, pest control, and vegetative health. The result will be "large tracts of land affected solely by the forces of nature." The DEIS fails to examine whether this use is a defacto addition to the Wilderness System, which must be approved by Congress.

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 Attention: Roadless Areas Proposed Rule
 July 14, 2000
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FISH AND WILDLIFE: Based upon research by the Nature Conservancy and wilderness studies, the DEIS assumes that reducing roads by 75 percent and timber sales by 73 percent will benefit aquatic habitat and have no adverse impacts. The DEIS fails to address the impact of reduced stream flows caused by increasing transpiration by tree density. The DEIS assumes that fewer roads will benefit wildlife by improving isolation from people and reducing fragmentation of habitat caused by roads. The DEIS fails to state how its predictions of increased biodiversity can be reconciled where water production, wildlife habitat, soil productivity, and biodiversity have all been declining inversely proportional to increased tree density caused by underharvesting of the annual growth and 100 years of fire suppression.

Other issues addressed by the DEIS impact the above resources or are impacted by the proposed rule. The following comments relate to some of these other issues.

FOREST HEALTH: The DEIS places 71 percent, or 85,000 acres of inventoried roadless areas in South Dakota at moderate or high risk from catastrophic fire and potentially needing treatment. This is not surprising considering the current mountain pine beetle epidemic affecting the Black Hills is killing thousands of trees each year within the Beaver Park roadless area—a critical watershed for Fort Meade and the community of Sturgis, South Dakota. The DEIS only mentions the South Dakota roadless area forest health condition in table 3-20, but does not address the effects of the alternatives on that roadless area or its condition. The same is true of all other inventoried roadless areas included in the DEIS. The DEIS fails to examine individual roadless areas for the benefits or costs associated with its roadless condition. The reader is left to assume that the generalizations made throughout the DEIS apply uniformly to every roadless area.

The DEIS bases its analysis of the contribution of fuel management to reducing the risk of catastrophic fire on planned sale activities over the next five years. The DEIS fails to examine the impacts of accelerated fuels management in moderate or high-risk areas.

Although the preferred alternative allows harvest for any number of reasons including forest health, the cessation of road construction and reconstruction will make harvesting for any reason so costly that most harvests will require some form of subsidy. The Forest Service has been severely criticized in the past for subsidized harvesting and there is no reason to believe subsidized harvests will not be challenged in the future. The DEIS does not address the cost of subsidized management activities for forest health or other needs that will no longer be economically feasible.

FIRE: Fire suppression during the last 100 years has allowed unnatural fuel loading to develop in forests across the west. Fires within areas of high fuel loading will burn hotter resulting in more environmental damage. The combination of high fuel loading and inaccessibility will cause fires to grow larger ultimately resulting in higher suppression costs. Fuel reduction costs will rise due to the proposal, but the DEIS does not address whether the increasing fuel load will be treated in absence of timber sales. GAO reports that 39 million acres of national forest are at risk to catastrophic, unstoppable fires.

The DEIS uses faulty analysis to project the effects of timber harvest on fire suppression and fuel management. The DEIS states that the no-action alternative will have "negligible" effects on fire suppression, and the "overall effect of the alternative to the fuel management program will be very slight." Yet, the DEIS states that the no-harvest

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alternative 4 will have considerable fire effects on watersheds including long-term damage to soil, water, and air resources on-site and downstream. There would also be an increased likelihood of harm to human safety and property in the expanding wildland-urban interface. The proposed rule will reduce planned timber harvest by 73 percent, and alternative 4 eliminates timber harvest completely. It is inconsistent to assume that the currently planned timber harvests that would be allowed in the no-action alternative will not effect fuels management or fire suppression, but 27 percent difference between the no harvest alternative and the proposed rule will greatly increase the potential ecological damage caused by catastrophic fire.

Given the very real possibility that harvesting allowed under the proposed rule will never take place due to cost constraints or litigation, it is reasonable to assume there will be no difference between the fire effects under the proposed rule and those anticipated under alternative 4.

The DEIS fails to acknowledge the fact that forests that have been thinned and treated for fuel reduction have a much better chance of surviving a catastrophic fire than forests that have accumulated fuel for the last 100 years. William Wade Keye wrote of the fire catastrophe that occurred on the Six Rivers National Forest in 1999. In 1995, a severe windstorm sheared the tops off of trees on 35,000 acres of the Forest in both wilderness and nonwilderness areas. For three years, the Forest Supervisor tried in vain to treat the fuel hazard but was consistently blocked by environmentalists. Only 900 acres of the 35,000-acre blowdown was treated before a dry thunderstorm moved through the area igniting many fires in the wilderness. For a month, the fires slowly spread and joined together. When the fire finally reached the blowdown, it made a five-mile run in seven hours. The fire eventually burned 220 square miles of mostly mature timber before being put out by rain. The trees survived in areas where fuels were treated, but areas left untreated were described as "biological killing fields."

AIR QUALITY: The DEIS claims that road construction with inventoried roadless areas "will present a chronic air pollution impact, particularly where inventoried roadless areas are adjacent to Class I areas." This ludicrous claim gives rise to thoughts of Los Angeles-style freeways being built within roadless areas. The DEIS describes atmospheric pollution caused by road construction "at certain levels" presents a human health risk but fails to indicate if these levels will ever be reached under the road construction activities proposed for the roadless areas. The DEIS fails to show any research that documents air quality impairment resulting from forest road construction. The greatest threat to air quality in and adjacent to forest lands comes from smoke generated by wildfire or prescribed fire. Prescribed fire in managed areas can be accomplished under a prescription of good smoke dispersal, and prescribed fires are generally of short duration. When many fires start over a large area, a phenomenon that often occurs with dry thunderstorms, fires within roadless and wilderness areas are often given a low priority for suppression because of their remote inaccessible nature and because of the low values at risk. The DEIS fails to acknowledge that smoke from fires that are allowed to burn have a prolonged impact on air quality.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA): The DEIS fails to consider an adequate range of alternatives given the conflicts concerning potential uses of the inventoried roadless areas as required by NEPA. The proposed rule only considers a no-action alternative (alternative 1) and three alternatives (alternatives 2-4) that prohibit road construction/reconstruction and place varying restrictions on timber harvest.

There is very little difference in the effects of alternatives 2 through 4 on ecological factors, human uses, and social and economic factors. The DEIS analyzes 20 ecological factors: seven of these factors show minor differences in the effects of these alternatives; in eight of these factors, the effects of alternatives 2 through 4 are "indistinguishable," "barely distinguishable," "minimal," or "substantially the same." The effects of the Fuel

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Management factor are unknown. The effects of alternatives 2 through 4 on nine human uses and twelve social and economic factors are so similar that they are discussed together as if they are a single alternative.

The DEIS clearly identifies the potential ecological and human damage that can result from catastrophic fire in the roadless areas. The DEIS also states that the no action alternative will have negligible effects on a fire suppression program that could mitigate the damage caused by catastrophic fire. However, the DEIS does not develop an alternative that the Forest Service believes could mitigate catastrophic fire effects. The DEIS states the no action alternative would treat fuels on only 1 percent of roadless area lands and the overall effect would be very slight. However, the DEIS does not develop an alternative that would lead to accelerated fuels management on a larger percentage of the roadless area. The DEIS needs an alternative that allows a broad spectrum of treatments including silvicultural practices to accomplish accelerated fuel reduction.

Given the limited number of valid alternatives and similarities in the effects of the analyzed alternatives, the DEIS appears deficient.

FOREST PLANNING: National Forests spend years and millions of dollars developing Land and Resource Management Plans. For example, the recently completed Black Hills National Forest Plan took seven years to complete at a cost of about \$7 million. Decisions are based on scientific information, national and local priorities, and public input. A delicate balance is reached that doesn't always satisfy the entire public; however, the public generally accepts the decisions. The proposed rule undermines the process of forest planning by requiring National Forests to abandon well-reasoned decisions that are based on site specific analysis to adopt a rule that is based on a faulty DEIS.

The DEIS claims that the rule will alleviate litigation affecting management and use of the inventoried roadless areas. Some environmental groups have publicly stated their goal to stop commercial timber harvests on all National Forest lands. The proposed rule allows commercial timber harvesting to proceed as long as roads are not constructed. Therefore, it stands to reason that decisions allowing timber harvest within roadless areas will continue to be appealed and probably litigated.

AFFECTED COMMUNITIES: The DEIS demeans and insults members of the logging profession by stating without evidence that, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education." Many loggers have college degrees in business or other professions and have chosen a career in logging because it offers a way to earn an honest living while working outdoors in the forest that they love. They accept the risks along with the independence and self-reliance that go along with working deep in the forest away from the conveniences of urban life. The DEIS slams timber-dependent communities as being the least prosperous of rural communities and then faults forest workers for taking high paying forestry jobs. The Forest Service needs to accept part of the blame for declining prosperity in timber-dependent communities. Timber harvesting on National Forest lands has declined from 11 BBF in 1987 to 2.2 BBF in 1999. Apparently, the Forest Service has all but abandoned its commitment to community stability. Rather than offering people jobs to help manage a renewable resource, the Forest Service offers short-term owl mitigation funds. Rather than returning revenues to local communities derived from the sale of renewable resources, the Forest Service seeks congressional appropriations.

The DEIS fails to address the impact of alternatives upon carbon sequestration, carbon release, and ozone depletion. Since tree growth sequesters carbon and tree burning releases carbon into the air, the impacts of each

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alternative upon those functions should not be difficult to project. The DEIS does not discuss how an absence of management will impact tree stand density and thereby impact growth rates and sequestration capacity of the forest.

The DEIS fails to address the impact of its management decisions upon long-term carbon sequestration, defined as 100 years or longer.

The DEIS under each alternative fails to address how the Service will comply with legal mandates to manage noxious weeds in the forest, especially for exotic species like Canada thistle, which cannot be managed with fire.

CUMULATIVE EFFECTS: The Forest Service presently has three rules being considered that will have long-term impacts on the way National Forests are managed: the proposed Roadless Area Conservation Rule, the proposed National Forest System Land and Resource Management Planning Rule, and the proposed National Forest System Road Management and Transportation System Rule. The Forest Service intends to "integrate and clarify certain provisions within each rule to ensure consistency, clarity and effectiveness." In other words, the final rules may look significantly different than the proposed rules, and the public will not have an opportunity to comment. The Forest Service fully expects the rules to "have a cumulative impact in final form." The public should have the opportunity to comment on the cumulative impact.

The Black Hills National Forest (BHNF) is one of the heaviest roaded areas of any forest in the US. This, along with even-aged management with timber emphasis, wildfire, disease, and insect depredation have produced, and continue to produce, a monotype forest dominated by a preponderance of Ponderosa Pine at the expense of biodiversity. Logging on public lands should meet the criteria of land stewardship practices for ecological sustainability forest wide. This has not occurred on the BHNF. Many acres of riparian habitat enhancement, meadow and hardwood restorations, and improved vertical and horizontal complexity of conifers are needed. Hopefully, the National Forest Service will improve multiple-use management on all NFS lands, including the BHNF.

Inventoried Roadless Areas comprise 54 million acres, representing 28 percent of NFS lands, and 2 percent of the US. In South Dakota, national grasslands approximate 860,000 acres, the BHNF 1,166,000 acres, and the Custer National Forest 74,000 acres, for a total of 2,100,000 acres. One hundred twenty thousand acres (120,000) are proposed for roadless areas. This amounts to 6 percent. Currently, one wilderness exists on the BHNF (Black Elk Wilderness, 9,800 acres, featuring Harney Peak) and none on national grasslands. National Park Service lands in South Dakota occupy over 272,000 acres that offer roadless recreational opportunities, including the 64,000 acre Badlands Wilderness Area. We believe appropriate designation of areas is warranted to provide multiple-use benefits, including diverse recreational opportunities. With the above in mind, we submit the following general comments for management consideration of roadless areas:

The alternatives are grouped into prohibitions, procedures, and those unique to the Tongass National Forest. Our subsequent comments will focus on prohibitions and procedures as they primarily pertain to South Dakota. Overall, excluding Tongass, four prohibition and four procedural alternatives were presented and analyzed, including one (1) No Action and three (3) Action alternatives under each category. Alternatives 2 and B were selected as the Preferred Prohibition and Procedural Alternatives, respectively.

Currently, roadless does not mean there are no existing roads on proposed areas. Roadless means that existing roads will not be reconstructed or maintained. It also means that new roads will not be constructed except for the following reasons:

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1. To protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event,
2. To conduct a response action under CERCLA or to conduct a natural resource restoration action,
3. To provide for rights reserved by statute or treaty, and
4. To prevent irreparable resource damage by an existing road that is deemed essential for access, management, or public health or safety.

On national grasslands, existing roads and trails may still be used, and the lands can still be grazed and must be driven on for fencing and other uses. However, they will not be maintained or reconstructed. We support the above direction and, in addition, encourage off-highway travel management.

The State of South Dakota could support Preferred Prohibition Alternative 2, but only with modifications, namely allowing limited temporary roadwork, stewardship type harvest, and timber harvest. This would approximate Alternative 3, but would allow additional logging for meaningful multiple-use management. As proposed, Preferred Alternative 2 would prohibit road construction and reconstruction within the unroaded portions of inventoried roadless areas. Timber harvest would be restricted to areas currently roaded. Timber volume would be substantially reduced compared to the No Action Alternative that has no road prohibitions. Conceptually, we advocate road construction, reconstruction, and use of temporary roads when done prudently for multiple-use management and natural resource protection.

Alternative 3 would prohibit road construction, reconstruction, and timber harvest except for stewardship purposes in unroaded portions of Inventoried Roadless Areas. Additional restrictions could be placed on timber commodity harvest compared to Alternative 2. However, this would depend upon the density and condition of existing roads and the interpretation of "Stewardship Purposes." Alternative 4 would be most restrictive and prohibit road construction, reconstruction, and logging. On the BHNF where the climax species on most sites is ponderosa pine, this alternative would not serve in the best interest of ecosystem management without disturbance. Disturbance is required to set back succession if varying habitat types and understory forage/browse production are to be maintained or enhanced.

Timber harvest prescriptions allowed in roadless areas could vary from light thinning to clearcuts. Nationally, clearcutting has decreased from 31 percent of total harvested acres in 1989 to 10 percent in 1997. This downward trend is expected to continue. On the BHNF, only 5 percent of the area can be patch clearcut (10 acres or less). This is insufficient and we recommend 10 percent or more in mosaic with cover patches. The increased forage base is needed by both wildlife and livestock.

Many national forests have shifted their timber harvest emphasis from using commodity-purpose timber sales to vegetation management objectives for stewardship purposes. From 1993 to 1997, stewardship projects increased from 24 percent to 40 percent of the harvest and this trend is expected to increase by 5 percent per year. We support the Forest Service to make this transition as rapidly as possible for improved multiple-use management and overall natural resource protection.

Beaver Park (5,000 acres) is the only proposed roadless area on the BHNF in South Dakota. This amounts to less than 0.5 percent of the forest land base. In the Revised Forest Plan, roughly half the area was identified as nonmotorized recreation and the remainder is available for scheduled timber harvest. Unfortunately only 571 acres (11 percent) was prescribed with wildlife emphasis. The entire area is located on low-elevation wildlife winter range.

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We acknowledge the BHNF has very few sites without roads, and the 3.32-Backcountry Nonmotorized Recreation designation may have been appropriate. However, the remainder of the area should have been identified as wildlife emphasis with additional opportunities for wildlife habitat enhancement and multiple-use management. Wintering deer herds simply need to winter at a low elevation with less snow and increased accessibility to understory browse, if available. Prescribed burning and/or prudent logging need to be allowed to benefit the Black Hills deer herd and provide fire protection for the people living in the area. Additional access in strategic locations may be necessary.

The Beaver Park roadless area contributes very little to the overall BHNF scheduled timber harvest. Approximately 75 percent of the volume (4 MMBF) cannot be harvested in Beaver Park without planned roadwork. This equates to slightly less than 0.5 percent of the ASQ planned during forest plan revision. Logging that could be done on existing trails could provide wildlife habitat diversity and help control wild fire and insect damage. Should timber harvest be significantly reduced or stopped on Beaver Park, natural mortality factors will continue to kill selected conifers and produce a mosaic of forage and cover. However, properly planned multiple-use timber sales could be a win-win situation with economic gains.

Eleven areas are proposed for Roadless Areas on national grasslands in South Dakota. Travel by motorized vehicles on and off existing trails and roads is currently allowed, although some have varying types of restrictions in place. Special provisions are provided to users, including permittees, for necessary travel for management purposes. The Northern Great Plains Grasslands Units are proposing to restrict motorized travel to designated roads and trails. Specific designated routes would be identified using a second level of planning that could consider more site-specific needs and conditions. Off-highway vehicle (OHV) use is currently being evaluated on the Grand River National Grasslands under a separate EIS and Plan Amendment and is to be addressed on the Nebraska National Forest within five years. We basically support restricting vehicle use to designated routes and providing some walk-in areas. Overall, we believe change in travel management will increase diverse recreation opportunities and reduce user conflicts. The OHV proposal will improve consistency among state and federal land management agencies and make travel management policy on public lands easier to understand and accept by all user groups.

The issue of road standards and road deposition on the BHNF following timber harvest continues to be a major issue with the South Dakota Department of Game, Fish and Parks. The Department supports a position that roads constructed be of as low a standard as is possible and that work roads (temporary) built be returned to a natural condition following the sales. We support closure and/or decommissioning of new roads and temporary roads. New roads should be located to blend in with the local topography, be environmentally sound, and built only to the standard necessary to remove the timber resource. We recommend decommissioned roads be re-vegetated primarily with browse species and less grasses, particularly those that are aggressive such as slender wheatgrass that out compete other; more desirable plants: Use of more slash for soil and water conservation should be employed.

RARE I addressed roadless areas greater than 5,000 acres for wilderness consideration. Other unroaded areas, often less than 5,000 acres, that have similar roadless characteristics are also included in this proposal and are to be evaluated for their suitability. We support the evaluation of potential roadless areas smaller than 5,000 acres, particularly in areas that are heavily roaded such as the BHNF where it's difficult to find areas of significant acreage without roads. BBNF has several small sites with sensitive plants, unique characteristics, etc., which would benefit from improved transportation planning.

Again, four **procedural** alternatives are considered in the Roadless Area Conservation DEIS with one No Action and three Action alternatives presented. The No Action Alternative would have no procedures established and roadless characteristics would be addressed only if raised as an issue during forest plan revisions or on a project-by-project basis. The Action alternatives would outline the direction local managers must take in evaluating the quality and importance of roadless characteristics as follows: Alternative B (Preferred) would address roadless characteristics during plan revision, Alternative C on a project-by-project basis, and Alternative D on a project-by-project basis until completion of the plan revision. We could support Preferred Alternative B if analysis of unroaded areas for roadless characteristics at the time of forest plan revision imposes a defacto exclusion of future roadless characteristic consideration at the project level. This would provide consistency among national forests, provide the broadest potential for public awareness and comment, and employ the most rigorous analysis. Some areas have had roadwork done following RARE II, and other areas allow road construction as per individual forest plan direction. We support direction to protect and to evaluate areas displaying roadless characteristics until forest plans are revised.

Proposed Roadless Area Conservation Rule

Specific comments on the proposed rule and accompanying information are as follows:

Pg. A-5 Par. 1—We support a framework whereby the Forest Service manages roadless areas partly on the national level and partly on the local level but express some concerns with potential management of other unroaded, noninventoried areas through the local planning process. Because of traditional management emphasis for high road construction and commodity production, meaningful multiple-use of other unroaded noninventoried roadless areas may not be fairly evaluated. Hopefully, the transitional procedures in the proposed Road Management Rule and Policy will be sufficient to protect sensitive roadless and unroaded areas. No size classification is given, although we acknowledge some flexibility is needed. We believe each area should be judged on its own merits for meeting roadless area characteristics and multiple-use benefits. The latter can vary in size but most often will be smaller than 5,000 acres. No specific size limitation is particularly important in the Black Hills where overall it is heavily roaded but with varying densities in specific areas.

Regulatory Initiatives

Pgs. A-5-7-- Several regulatory initiatives are being proposed concurrently with the Roadless Area Conservation Rule. Each has specific direction for travel or resource management on NFS lands. While we believe changes are warranted, caution should be exercised to coordinate changes systematically among the proposed rules and with existing acts, regulations, and laws which will provide consistency and facilitate understanding by all users of public administered lands: We encourage the Forest Service to take sufficient time to prepare meaningful and productive travel management documents that will be long lasting.

Pg. A-6 Par.6—It's stated that this rulemaking is not an attempt to expand the National Wilderness Preservation System. South Dakota has one wilderness, which is located on the BBNF. Little or no wildlife habitat enhancement is being accomplished by logging or prescribed burning. Succession is to dog hair Ponderosa Pine at the expense of biodiversity. One wilderness is recommended on the grasslands, opportunities for wildlife habitat improvement exist as grazing, and other disturbances are allowed and feasible. We support designations for multiple-use management, particularly for wildlife habitat enhancement and oppose designations that limit or prohibit

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opportunities for such. We support your statement "the Forest Service will continue managing inventoried roadless areas and other unroaded areas within the context of multiple-use framework required by law."

Section-by-Section Discussion of the Proposed Rule

Pg. A-7 Par.2—The Forest and Rangeland Renewable Resources Planning Act, as amended, directs the Secretary of Agriculture to install a proper system of transportation that is both economically and environmentally sound. Roads are to be "designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impact on land and resources." We agree with many other publics in South Dakota that some roads in the Black Hills have been overbuilt, are in poor locations, contribute to the degradation of riparian areas, facilitate urban sprawl, and do not serve in the best interest of multiple-use management on the BHNF. Improved transportation planning is needed, including OHV use and increased area closures versus just road closure. Roads may be closed but OHV travel is not restricted which adds to resource problems. Specific status of OHV use is unknown to us but to our knowledge is to be addressed. We support proposals for improved travel management on public lands for improved multiple-use management and resource protection.

Pg. A-8 Definitions-Roads—While we acknowledge that definitions of roads are necessary and flexibility in interpretation is needed, it is critical that the responsible official use discretion on the standard, location, and density of roads to be authorized to be constructed/reconstructed for the purpose intended. Oftentimes, it facilitates other activities on the forest not directly intended and provides for continued increased conflicts, including wildlife solitude. Sustainable use of all natural resources is the bottom line and should be the first priority by the Forest Service across the forest, not just inventoried roadless areas.

Interpretation of road terms such as existing roads, roadless areas, classified roads, and realignment need to be used more discreetly by deciding officers on public lands in South Dakota. Commonly, decisions are biased to accomplish timber health objectives without sufficient regard for other uses. The BHNF is a highly developed roaded forest for logging purposes with secondary outdoor recreation benefits. With increasing conflicts among users, exceeding recreation capacity in some areas and a declining ASQ, transportation planning for multiple-use management must be more carefully considered.

Pg. A-9—The State could support the proposed exceptions in the Conservation Rule, but the State argues that the rule doesn't go far enough and must include thinning to reduce mortality due to insect and disease infestation. Should new roads be necessary, we recommend that they be temporary roads whenever possible and be decommissioned and re-vegetated following the use intended. In addition, we recommend planting of shrub species appropriate for the locale. Use of slash should be used more frequently for soil and water conservation versus dominant, monotype grass species.

Discretion should be used when **realignment** of roads are considered and segments of existing roads not intended for future use should be decommissioned and re-vegetated.

Pg. A-10, Par. 3—Proposed paragraph 294.12 (d) would permit maintenance activities for classified roads included in an inventoried roadless area. However, reconstruction that would expand road size or use beyond the current level would not be permitted; we trust this includes realignment. The responsible officer "is expected" (emphasis added) to apply a science-based roads analysis when determining whether an unclassified road is needed for long-

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term management of NFS lands and should be classified and maintained. We are uncertain exactly what a science-based analysis entails, but historically, decisions were made emphatically that all roads built would be permanent in nature and no temporary roads would be constructed. We welcome an improved system for making critical decisions with regard to road construction.

Pg. A-10 Par. 4—Forest Plan provides direction to ensure coordination of multiple uses. While we acknowledge that it's impossible to manage for all uses on every acre, responsible multiple use needs to be done on a watershed basis, planning unit, or, at least on an individual forest basis, versus NFS lands as a whole. Many forests provide varying and often disproportional levels of commodity outputs. For example, the BHNF contributes about half of the Regional ASQ. We have noted some improvement in multiple use and sustain yield of natural resources on public lands in South Dakota but more consideration is needed. We concur that roadless characteristics of other unroaded areas be considered and that it should be done on the local level to determine the merits based on local criteria of size, shape, location, and characteristics. We caution that this should be done with fair and unbiased openness by the forest service and not just commodity driven. The responsible official must select areas in which the characteristics merit protection. This is particularly needed on some sites or areas where the Best Management Practices may not be known or well understood, for example, bog areas and sites with sensitive plant species.

Pg. A-12 Par.1—Proposed paragraph (e) identifies a special review provision for the Tongass National Forest and whether the prohibitions and provisions should apply. The responsible officer would also have to consider, among other things, section 101 of the Tongass Timber Reform Act, which requires the agency to seek to provide a supply of timber from the Tongass National Forest that meets market demand consistent with providing for the **multiple use and sustained yield of all renewable resources**. This direction is and should be the bottom line for all National Forests. This has not been the case on the BHNF where there are declining sustained yields of various resources, including timber. Hardwoods, deer winter range, big game solitude, and riparian area enhancement continue to be lacking.

Pg. A-12 Par. 3—While we agree that roadless areas provide for various amenities, including diverse and abundant plant communities, disturbances are often required to maintain diversity. Historically, disturbance by fire was common on the BHNF. Prescribed fire, coupled with logging, is needed or conifers will continue to succeed to climax at the expense of diversity without hardwoods and grassforb stage. Disturbances of varying magnitudes and timing are needed forest wide in addition to inventoried roadless areas or road closures if biodiversity, multiple use, and sustained yield of natural resources are to be attained.

Pg. A-12 Par. 4 No. 2—We concur that watershed management is crucial for public drinking water and appropriate management of inventoried roadless areas can contribute substantially. Multiple use management is a common practice in most watersheds that serve as sources of public drinking water. We believe good watershed management is critical **forest-wide** and should be of highest priority. Multiple use would certainly benefit. While the definition of multiple use may be sufficient, interpretation of and application of multiple use is often the problem. Improved balances of meaningful multiple use forest wide for sustainable levels of resources would be most beneficial to all publics.

Pg. A-13 Par. 3 No. (3)—It's stated that unroaded areas are more likely than roaded areas to support greater ecosystem health, including diversity of native and desired nonnative plant and animal communities, due to the absence of disturbances caused by roads and accompanying activities. We certainly concur that healthy ecosystems can be characterized by the degree to which ecological factors and their interactions are reasonably

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complete and functioning for continued resilience, productivity, and renewal of the ecosystem and that roadless areas help conserve biodiversity. We question why current Forest Service practices do not better provide for improved ecosystem management forest wide, including multiple use management required by law.

Pgs. A-13 & A-14 No. 5—We express some concern with OHV use and over-the-snow vehicle use in semi-primitive motorized classes. Long-term management guidelines need to be in place for resource protection as well as overall quality recreational experience. While we acknowledge that demand for motorized and nonmotorized recreation is increasing, so are the demands for essentially all other outdoor recreation. It must be acknowledged that national forests have limitations and appropriate plans made to deal with those limitations. Rules for varying travel experiences need to be closely coordinated to minimize user conflicts. For example, on the BHNH roads on low-elevations, big game winter ranges are closed during winter to provide solitude and to increase habitat effectiveness. However, OHV use is allowed by snowmobiles and ATVs as long as travel is not on established roads. There are a few area closures and more are needed.

Pg. A-14 No. Par. 6 (6a)—We support designation of reference areas to provide for research to understand how to manage healthy diverse ecosystems more effectively. While the objective on NFS lands is to create and maintain sustainable ecosystems that can support human needs indefinitely is admirable, we question the reality of this and limitations on use must be established.

Pg. A-15 Nos. (8) and (9)—While we respect the need to preserve cultural properties, the statement that roadless areas may have traditional cultural properties and sacred sites may offer unique characteristics and values . . . , may indicate the need not to hurry hastily through the rulemaking process without thorough evaluation and coordination of all resources. All of the eight broad characteristics of roadless areas have merit forest-wide.

SUMMARY

Pg. A-17—We concur that it is important to protect the roadless characteristics of unroaded areas within the context of the Forest Service mandate; however, we believe it is even more important to manage for multiple use and sustained yield of all natural resources on all NFS lands.

REGULATORY IMPACT

Summary of the results of the cost-benefit analysis

Pg. A-18, Par. 2—Table 2 refers to the cost benefits of the proposed Rule on 43 million acres. Several different acres are referred to throughout the text. For clarity, it would be beneficial to have a complete summary of the various figures displayed and what each references. We assume this figure does not include Tongass National Forest or the 2.8 million acres already roaded.

It is unfortunate that more quantifiable data are not available. We are confident that additional data on economic benefits of outdoor recreation, including fish and wildlife, are available. We encourage the Forest Service to seek such information actively. This would appear warranted and would strengthen the Proposed Rule.

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Pg. A-19 Par. 7—We support closures of new roads once extraction of resources has been completed. Road standards should be minimal to address the purpose intended. While most current and future roads may be closed, existing travel management on the BHNH still needs to be further evaluated in regard to access and resource impacts and conflicts, including OHV use.

Pg. A-20 Par. 6—The procedural provisions would be applied to the 54 million acres of inventoried roadless areas, as well as up to 95 million acres of other NFS lands. We appreciate the Forest Service for the inclusion of all national forest lands currently subject to roadwork and encourage thorough analysis of all potential areas for their special or unique characteristics. We recommend responsible multiple use management, including minimal road construction and reconstruction, and the use of temporary roads.

Pg. A-23 Par. 3—Input from the public detailing both negative and positive impacts on small business should be encouraged.

FEDERALISM

Pgs. A-24 and 25 Par. 1—We welcome "enhanced consultation with state and local governments officials" as set forth in Executive Order 13132 and look forward to meeting with the Forest Service on the proposed rule and accompanying EIS.

CONCLUSIONS

Should the National Forest Service determine the proposed rules and DEIS warrant implementation, the State of South Dakota could support preferred alternative 2, but only with modification to allow temporary roads to facilitate stewardship-type activities, including timber harvest. South Dakota could also support preferred Alternative B if analysis of unroaded areas for roadless characteristics at the time of forest plan revision imposes a defacto exclusion of future roadless characteristic consideration at the project level.

We advocate responsible multiple use management of natural resources for present and future generations.

Sincerely,



William J. Janklow

WJJ:JC:lg:dh

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STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 EAST CAPITOL AVENUE
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106

MARK BARNETT
ATTORNEY GENERAL

LAWRENCE LONG
CHIEF DEPUTY ATTORNEY GENERAL

July 17, 2000

USDA Forest Service-CAET
Attn: Roadless Areas Proposed Rule
P. O. Box 221090
Salt Lake City, Utah 84122

Re: Roadless Areas Proposed Rule

Sir/Madam:

This letter comments on the Roadless Area Conservation Rule and Draft Environmental Impact Statement.

Also, the 2000 South Dakota Legislature passed a resolution recognizing the historic multiple uses in Forest System lands in South Dakota. SCR 5 (attached) The resolution opposes forestry policies that protect roadless areas and at the same time curtail other forest management and grazing programs. The Legislature opposes further analysis of the roadless area issue. The South Dakota Legislature's resolution should also be afforded serious consideration in this matter.

In addition, I am writing to express concern regarding procedural and legal shortcomings in this proposal.

First, the abbreviated scoping period deprived the State of its statutory right to meaningful participation in the scoping process. The project was announced in October 1999 and the Forest Service concluded its scoping period within forty business days. The forty days expired before the Forest Service even identified the specific national forest lands at issue. While scoping meetings were held in this area on December 14 and December 15, the State was still required to respond with its comments on December 20 (only two or three business days later). In an attempt to remedy this problem, this Office joined with Idaho and other state Attorneys General in asking for an additional 120 days to comment. We received no response. Ultimately Idaho filed suit. South Dakota filed an Amicus Brief explaining that the abbreviated scoping period constituted a NEPA violation. Because Idaho District Court Judge Lodge determined

OFFICE OF ATTORNEY GENERAL
500 E. CAPITOL
PIERRE, SD 57501-5070

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SD ATTY GEN OFC

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that the claim was premature while the process was pending, he did not rule on whether the abbreviated scoping period constituted a violation of NEPA. Lest there be any doubt, South Dakota continues to take the position that this hasty scoping process violated NEPA. Please review the comments and legal analysis contained in the Amicus Brief filed in the Idaho proceeding. A copy is attached.

Following the scoping process the Forest Service announced that "those who want a paper or a CD edition of the Draft EIS should submit their orders as soon as possible." This News Advisory (attached) also provided that "faxed orders will be accepted at 800-777-5805." This Office sent its request for a hard copy on April 10, 2000, by facsimile transmission and received confirmation of the transmission. (attached) Although the proposed rule and Draft EIS were issued on May 11, 2000, this Office never received a copy.

When the State Attorney General hasn't received a copy of this document, how many other requests weren't honored? While this Office has access to adequate library resources, there are thousands of people in rural South Dakota who do not have access to a local public library. Considering that the subject of this proposal involves some of the most rural areas in South Dakota, it is especially troublesome that copies of the proposals may not have been sent out to those that lack a local library.

Further, the short comment period is a problem. For this reason, this Office has joined with Idaho Attorney General Lance in requesting an additional 120 days to review the matter and make meaningful comments. Assuming that the Forest Service will ignore this request (as they did the last one), this Office is compelled to make some further comments. These comments do to waive the objection to the short time periods established in the scoping process, the presently pending DEIS review process, or the proposed rule.

First, as the Draft EIS explains, this proposal is based on a presidential initiative. President Clinton announced this project on October 13, 1999, stating that "there are large parcels of land that don't contain roads of any kind, and in most cases, never have. . . . these areas represent some of the last, best, unprotected wildland anywhere in our nation." In other words, this project was explained to the public as applying to areas where roads to not exist or where roads have long been abandoned. Instead the proposal does include roads that are currently being used and maintained. For example, the DEIS notes that "some roadless areas contain these pre-inventory roads." DEIS at 8-6. This statement is a shortcut for explaining that roads that were built as little as 21 years ago and that continue to be maintained by the Forest Service are included in the proposal. Further, the DEIS explains that many inventoried

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roadless areas have allowed road construction since they were inventoried. DEIS S-6 In other words, these areas are "roaded portions" of "roadless areas." Finally, the proposal includes areas that were never inventoried. This category includes, of course, those roads that were not built by the Forest Service or not otherwise classified by the federal government as roads due to their size. Despite the "roadless" label, this proposal clearly includes roads and contemplates different methods of reviewing whether they should continue to be maintained.

Further, although the proposal includes roads that are currently being used and maintained, no attempt is made within the proposal to analyze the impact of any of the proposed alternatives on any single road, let alone the entire system. While it will likely be argued that such analysis is unnecessary in a broad proposal such as the one here, there is a legitimate question as to whether such a broad proposal provides any value at all. Ultimately, the blanket approach to a decision affecting over 54,000,000 acres of land and 28% of the National Forest System lands is unworkable because it does not allow for the kind of specific analysis required under pertinent federal law, including NEPA and the NFMPA. The only possible (but impractical and inappropriate under NEPA) way to analyze the proposal would be to review the most recent planning documents for each part of the forest system (usually several volumes for each forest or grassland) in light of the proposal. NEPA simply does not contemplate developing a summary EIS that contains broad information like this one and that forces the user to review hundreds of other federal documents to guess at the Forest Service intent. This is an extremely time consuming task and not enough time was allowed for comment.

One of the glaring issues involves the actual number of "inventoried acres" involved. In the South Dakota situation, 45% of the acres listed as "inventoried roadless areas" have not truly been inventoried as such by the Forest Service. These lands are over 54,000 acres of grasslands that were proposed by the Sierra Club as "areas for Wilderness potential" but have no real status as such within the Forest Service system. The Forest Service explained this situation in July 1999 in a draft Environmental Impact Statement as part of a joint planning effort for the Dakota Prairie Grasslands, the Nebraska National Forest Units, and Thunder Basin National Grasslands (Grasslands DEIS). According to the Grasslands DEIS, the Sierra Club had suggested these areas, but the areas had a "a fence density greater than that allowed within official Forest Service inventoried roadless areas." Grasslands DEIS at 3-254. That situation was problematic because these acres were not listed in the various alternatives considered and were not mapped in the DEIS. In that proposal, the Forest Service indicated that these proposal areas would "be fully analyzed in the final environmental impact statement."

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Grasslands DEIS at 3-254. In other words, a private evaluation of some type would occur and there would be no opportunity for the public to comment. This contravenes the express language as well as the purpose and intent of statutes and rules pertaining to public participation in federal land resource planning and in the development of the EIS. Several statutes and rules require extensive public participation in forest planning, including, for example, 36 C.F.R. 219.6. Also, extensive public involvement in the EIS process is required by the National Environmental Policy Act, 42 U.S.C.A. 4321, et seq. and rules promulgated thereunder. 40 C.F.R. 1500.1 et seq.

The present proposal compounds the Grasslands DEIS error and assumes (without comment) that over 54,000 acres in the Grasslands in South Dakota are entitled to special status as "inventoried acreages."

This situation also illustrates the problem with the broad definition of "inventoried roadless areas" in proposed rule 294.11. The rule is vague and allows for a great deal of agency discretion without clear standards for interpretation. The definition provides, in part, that inventoried roadless areas are "undeveloped areas typically exceeding 5,000 acres" that were inventoried during the RARE II process or "subsequent assessments or forest planning." A review of the lands in South Dakota shows the problem. The present DEIS lists only the total number of acres for the state. To reach the same total it appears that the Forest Service would need to include two parcels advanced by the Sierra Club (as noted in the Grasslands DEIS) that are less than 4,000 acres. Those areas are in the Buffalo Gap National Grassland. Clearly these parcels don't come squarely within the definition of "inventoried roadless areas." They are not larger than 5,000 acres and are not inventoried in any public process. Yet, the rule allows room for including any number of acres so only as the "typical" parcel is over 5,000 acres and so long as the area is being studied in some manner (regardless of how abbreviated or public the study).

Most of the rest of the "inventoried area" in South Dakota is also in various Grasslands. The use of any Grasslands for the roadless area designation is an anomaly. The idea of a "roadless area" is derived from the Wilderness Act. The Wilderness Act doesn't apply to Grasslands. The Wilderness Act requires roadless review for land (a) in a National Forest and (b) considered primitive as of September 3, 1964. Here the Wilderness Act is inapplicable because the lands involved are neither legally nor factually forests. Forested lands are defined as "land at least ten percent occupied by forest trees of any size or formerly having had such tree cover and not currently developed for non-forest use." 36 C.F.R. 219.3. None of the grasslands in South Dakota meet this criteria. While the Forest Service undeniably administers grasslands, such administration does not, in itself,

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make them "forests." They cannot, under any analysis, be described as forests. As quoted in a Forest Service brochure entitled America's National Grasslands, the grasslands are similar to the lands described by Willa Cather in My Antonia: ". . . the grass was the country, as the water is the sea . . . And, there was so much motion in it: the whole country seemed, somehow to be running." While these miles of flat or undulating prairie lands have grazing, scenic, recreational, and, indeed, poetic values, they certainly are not forests. Far from being forests, many of these were purchased because they were "identified as less than marginal for cultivation." DEIS 3-30 Moreover, most of these lands are not primitive; they are not unmodified natural environment. Many of these lands were cultivated until the 1930's when the weather and financial climate caused the number of farms in South Dakota to decrease dramatically.

There is another legitimate reason that grasslands were not included in the Wilderness Act: roadless area analysis is inappropriate when states have already established roads on the lands involved. Even if the Forest Service asserts that this roadless analysis is based on other federal land laws, the same consideration must be taken into account.

The lands involved were largely acquired during the 1930s. In South Dakota's case, the laws establishing highways had already been in existence for over 60 years. Dak. Terr. Rev. Code ch. 29, § 1 (now codified at SDCL 31-18-1). Section line highways are "located by operation of law, except where some portion of the highway along such section line has been heretofore vacated or relocated by the lawful action of some authorized public officer, board, or tribunal." Id. This law applies to every section line in the state. State v. Peters, 334 N.W.2d 217 (1983). Even if the highway has never been opened, improved, or traveled, the law applies. State v. Tracy, 539 N.W.2d 327 (1995).

Indeed, in 1866 Congress granted the states, including the State of South Dakota, rights-of-way over the public domain. The Territory of Dakota accepted that grant in the Highway Act of 1871. See Bird Bear v. McLean County, 513 F.2d 190, 192 n.3 (8th Cir. 1975). The successor to that law is now codified in South Dakota at SDCL 31-18-1. The grant to the states was "not in the nature of a license, revocable at the pleasure" of the United States, but rather, once the roads were established, "became vested in the public, who had an absolute right to the use thereof which could not be revoked by the government. . . ." Bird Bear (quoting Faxon v. Lallis Civil Township, 163 N.W. 531, 533 (N.D. 1917)).

It follows, under the foregoing analysis, that there can be no right to create a "roadless area" where there was no Indian

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reservation in existence in 1866. See Bennett County v. United States, 394 F.2d 8 (8th Cir. 1968); United States ex rel Cook v. Parkinson, 525 F.2d 120 (8th Cir. 1975) (undermining Bennett County in certain respects). The same is true with respect to areas in which an Indian reservation no longer exists and in which the land has been restored to the public domain. See Calhoon v. Sell, 71 F. Supp. 990, 1000 (D.S.D. 1998). See also Act of March 2, 1889, § 21. In sum, there cannot be a right to create a "roadless area" consistent with the grant made under the 1866 Act.

Analysis of the right of the state to maintain rights-of-way on currently existing reservations requires a somewhat different analysis. First, we submit that the state has the right, under the 1866 Act, to create a right-of-way over any fee land within a reservation. See generally Bird Bear, supra. Second, the state and local units of government have procured numerous rights-of-way over allotted and trust lands from tribes and from individual Indians on reservations utilizing the statutory procedures. See generally Bird Bear, 513 F.2d at 913. Based on review of the DEIS maps and preferred Alternative 3, it appears that the USFS does not claim to create any administrative roadless areas in any current reservation at this time. Future proposals, including the current Sierra Club proposal, may, however, impact these rights-of-way.

Any consideration of whether a particular parcel of land is "roadless" must consider whether unextinguished section line highways are in existence on the parcel involved. This hasn't even been considered in the pending proposal. Instead of looking at whether roads exist as a matter of law, the DEIS analysis here analyzes the extent to which they have been improved in determining whether they are to be classified or unclassified.

In addition to the Grasslands, the roadless area proposal includes 14,000 acres in the Black Hills National Forest. It is unclear how the acres are calculated. Resort to the most recent FEIS for the Black Hills National Forest wasn't helpful. The acreages do not appear to add up to 14,000 acres. It does appear that the calculated acres in South Dakota includes the Beaver Park area, a 5,109-acre parcel in South Dakota. This area is near Sturgis, South Dakota, the site of one of the largest motorcycle events in the world. Also, "Interstate 90 lies less than a mile from the eastern boundary of the area and is visible for all the ridges and traffic is audible." Final Environmental Impact Statement for the 1996 Land and Resource Management Plan, Black Hills National Forest, Appendix C-6 Moreover, the area is intermixed with development on the edge of the Black Hills. In fact, "private land on the east side has been subdivided, so one looks down on houses from any high ground." Id. at C-6. This area also includes an inholding owned by the City of Sturgis.

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The area includes several roads and has, until recent years, been timbered.

At the present time, the Beaver Park area is heavily infested with the Mountain Pine Beetle. Since the beetle thrives in densely forested areas, the only effective way to control the beetle is to decrease its optimal habitat by thinning out the forested areas. A timber sale was planned for the area, but it could not be carried out due to a lawsuit claiming that a timber sale would be detrimental to the "roadless area" status of the area. While the lawsuit has been pending, the Forest Service has not completed the timber sale. Beetles have continued to infest the area and have killed a large number of trees. Due to the number of dead trees in the densely forested parts of the Beaver Park area, the risk of fire is great. The fire danger involves not only the Black Hills National Forest, but also the private lands located in and among the "roadless area," the Sturgis inholding, and state owned parcels. The roadless concept has not worked in this area because the area plainly is not the type of remote pristine land for which such a designation might arguably apply.

Depending on the alternative actually chosen, this proposal could result in thousands of acres with decreased fire protection. Allowing for roads to be built when fire is "imminent" is problematic. Building roads as fires occur is terrible planning by any standard (unless the goal is truly to let the forests and grasslands burn). Since roadless areas in both the Black Hills National Forest and the grasslands are among and next to state owned and private lands, the management alternative chosen could have a significant effect on fire prevention in those areas.

Similarly, decreases in insect and weed protection on federal land results in increased insect and weed problems on state and privately owned lands. The mountain pine beetle experience described above is an example. The beetles know no boundaries. When the infestations occur on federal lands, they also occur on neighboring private, municipal, and state property.

As pointed out above, conducting even a wilderness review is not appropriate for grasslands. Here, the Forest Service proposes to affirmatively treat both grasslands and forested areas as "de facto" Wilderness Areas. This is legally impermissible for two reasons. First, the Wilderness Act itself clearly provides that neither the Forest Service nor the President has the authority to act without the consent of Congress. Second, if the executive branch of the government creates Wilderness Areas in this manner, such action would not only run afoul of the Wilderness Act, it would infringe upon legislative authority in a manner expressly prohibited by the United States constitution. The separation of powers doctrine prohibits the executive branch of government from usurping the functions of the Congress. Congress is the entity

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with authority to make legislative policy decisions: the Executive Branch cannot make the broad-based policy decisions that are proposed here. Indeed, any such action by the Executive Branch to undertake this legislative act would be ultra vires since it would be outside the authority of the branch of government involved.

Please consider the foregoing issues carefully.

Best regards,
Diane Best
Diane Best
Assistant Attorney General

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State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

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732D0781

SENATE CONCURRENT RESOLUTION NO. 5

Introduced by: Senators Dunn (Jim), Brown (Arnold), Halverson, Madden, Rounds, Shoener, and Symens and Representatives Apa, Broderick, Crisp, Duenwald, Duniphan, Engbrecht, Fryslie, Garnos, Hagen, Hanson, Heineman, Hennies, Jaspers, Juhnke, Kazmerzak, Koskan, Lintz, McCoy, Napoli, Pummel, Sutton (Duane), Wilson, and Young

1 A CONCURRENT RESOLUTION, Expressing opposition to certain federal forestry policies
2 and urging support of the Black Hills timber industry.

3 WHEREAS, the State of South Dakota has 1,145,000 acres of national forests and 867,000
4 acres of national grasslands; and

5 WHEREAS, the national forests and national grasslands are vitally important to the culture,
6 economy, and enjoyment of the people of South Dakota; and

7 WHEREAS, the United States Forest Service is currently developing a revision of the Land
8 and Resource Management Plans for the national grasslands, a plan to "protect" all roadless and
9 unroaded areas in the National Forest System, a plan to prohibit off-highway vehicle travel on
10 the Custer National Forest, a new Strategic Plan for the National Forest System, and a revision
11 of the forest planning regulations; and

12 WHEREAS, all of these plans are designed to reduce commodity outputs and motorized
13 recreation on the national forests and grasslands and to promote management for "pre-European"
14 conditions; and

15 WHEREAS, the supervisor of the Black Hills National Forest has requested assistance from

500 copies of this document were printed by the South Dakota
Legislative Research Council at a cost of \$.021 per page.



Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

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1 the chief of the Forest Service in streamlining the analysis and implementation of a project to
2 control the mountain pine beetle epidemic west of Sturgis, and the chief has denied that request;
3 and

4 WHEREAS, a federal district court in Illinois, ruling on a case brought by an environmental
5 special interest group in Indiana, issued an injunction in September of 1999 halting small timber
6 sales offered nationwide since September 16, 1998, that used categorical exclusions, and halting
7 the further use of categorical exclusions for small timber sales designed to salvage small areas
8 of dead and dying trees; and

9 WHEREAS, the chief of the Forest Service's decision on an appeal of the revised forest plan
10 for the Black Hills National Forest will severely curtail the forest management and grazing
11 programs and will delay a decision on the mountain pine beetle Environmental Impact Statement;
12 and

13 WHEREAS, adequate funding is critical to ensure the implementation of forest plans for
14 national forests and national grasslands in South Dakota:

15 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Seventy-fifth Legislature
16 of the State of South Dakota, the House of Representatives concurring therein, that the
17 Legislature of the State of South Dakota strongly supports the concept of multiple use and
18 strongly opposes a policy of managing the national forests and grasslands for "pre-European"
19 conditions; and

20 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota strongly
21 opposes national initiatives that undermine the role of the people who are directly affected by
22 decisions about the management of the national forests and grasslands; and

23 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota opposes
24 further analysis of roadless or unroaded areas in the national forests and grasslands of South
25 Dakota; and

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1 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota supports
2 all possible and necessary steps to allow the projects to control the mountain pine beetle
3 epidemic in the Black Hills National Forest to proceed immediately; and

4 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota opposes
5 the proposed change in travel management from "open unless closed" to "closed unless open";
6 and

7 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota supports
8 whatever actions are necessary to eliminate the adverse effects of the chief of the Forest Service's
9 October 29, 1999, decision on the appeal of the forest plan revision; and

10 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota strongly
11 encourages the Congress of the United States to expeditiously pass legislation amending the
12 "National Environmental Protection Act" to allow small timber sales of the scale previously
13 allowed by the Forest Service under categorical exclusion to be exempted from environmental
14 assessment and impact statements to which larger timber sales are subjected; and

15 BE IT FURTHER RESOLVED, that the Legislature of the State of South Dakota supports
16 full funding for the forest plans for the national forests and national grasslands within the State
17 of South Dakota.

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Diane Best
South Dakota Assistant Attorney General
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215

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Attorney for Amicus State of South Dakota

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

STATE OF IDAHO, ex rel.; DIRK)	
KEMPTHORNE, Governor; PETE T.)	Case No. CIV99-0611-N-EJL
CENARRUSA, Secretary of State; ALAN)	
G. LANCE, Attorney General; J.D.)	
WILLIAMS, State Controller; MARILYN)	
HOWARD, Superintendent of Public)	BRIEF OF THE STATE OF
Instruction, as the State Board of)	SOUTH DAKOTA AS AMICUS
Land Commissioners; and STANLEY F.)	CURIAE IN SUPPORT OF THE
HAMILTON, Director, Idaho Department)	STATE OF IDAHO'S MOTION
of Lands,)	FOR PRELIMINARY
)	INJUNCTION
and,)	
)	
GOVERNOR DIRK KEMPTHORNE, in his)	
Capacity as Chief Executive of the)	
State of Idaho and President of the)	
Idaho Board of Land Commissioners,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
UNITED STATES FOREST SERVICE,)	
)	
Defendant.)	

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BRIEF OF AMICI CURIAE IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION - 1

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I. INTEREST OF AMICI

Although the facts alleged in Idaho's complaint are specific to Idaho, the potential scope of this case affects the State of South Dakota. South Dakota has been injured by the Forest Service's arbitrary and capricious action in cutting off submission of scoping comments on the agency's "roadless initiative" before the information necessary to provide meaningful scoping comments was made available or developed. The State of South Dakota, through its Attorney General, joined Idaho in seeking to resolve this issue administratively by requesting 120 additional days in which to prepare and submit scoping comments. No response was ever received. South Dakota also had an experience similar to that described in Idaho's brief: the full extent of the roadless and unroaded areas potentially subject to the proposed rules were not been identified. The forest-by-forest scoping meetings for South Dakota forests and grasslands were held on December 14 and December 15, only days before scoping comments were due on December 20.

Like Idaho, South Dakota possesses numerous sections of school endowment lands that are potentially adversely affected by the proposed rules. A decision to prohibit future roadbuilding may deny or severely restrict access to school endowment lands. Additionally, any adverse impact on forest health and grassland health resulting from management restrictions necessarily impacts adjacent endowment lands. Further, since South Dakota has

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regulatory authority over weed and pest management in adjacent private lands, the State will be impacted if the Forest Service declines to control pests such as grasshopper infestations on grasslands or pine beetles in forested areas. In addition, the State's fire suppression efforts are hampered when fires spread in roadless areas.

Finally, South Dakota has a statutory right to meaningful participation in national forest land management decisions. The National Forest Management Act (NFMA) requires the Forest Service to "give the Federal, State and local governments . . . opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs." 16 U.S.C. § 1612(a). The National Environmental Policy Act mandates "cooperation with State and local governments," 42 U.S.C. § 4331, and requires consultation with "State . . . agencies . . . which are authorized to develop and enforce environmental standards . . ." 42 U.S.C. § 4332(2)(C). Regulations promulgated by the Council on Environmental Quality (CEQ) require that the scoping process provide for the participation of affected federal, state, and local agencies. 40 C.F.R. § 1501.7.

Proposed revisions to the National Forest System Land and Resource Management Planning rules also recognize the need for state participation in national forest planning. The comments to the proposed rules recognize that "better interaction with state

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and local governments is needed." 64 Fed. Reg. 54,074, 54,085 (October 5, 1999). The comments suggest that forest service officers must "recognize the unique jurisdiction, expertise, and role that these governments play on lands both affected by and effecting the national forests and grasslands." *Id.* The comments also state that forest service decision-makers must provide the States "opportunities for early, open, and frequent meaningful participation in planning." *Id.* at 54,084.

In short, South Dakota has a particular and federally protected interest in early and meaningful participation in the EIS scoping process. As further described below, South Dakota was denied any meaningful opportunity for participation and will suffer irreparable injury unless the EIS process is enjoined for the period necessary to identify affected lands and develop and submit scoping comments. Thus, South Dakota adds its voice to Idaho's and urges the court to grant the preliminary injunction.

II. ARGUMENT

South Dakota joins Idaho in reiterating the very narrow scope of relief sought. Like Idaho, South Dakota does not believe substantive review of the Forest Service's actions is warranted at this stage of the proceedings. The only relief sought is to enjoin the agency's action to allow sufficient time for 1) the agency to complete its identification of the lands potentially subject to the proposed rules; and 2) the states to identify issues and submit scoping comments regarding the identified lands. This is precisely the situation addressed in

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Alaska v. Hodel, 806 F.2d 1378 (9th Cir. 1986) (a preliminary injunction was granted in that case).

The Forest Service's decision to proceed with issuance of the NOI and to conclude an abbreviated scoping period (less than forty business days) before identifying the specific national forest lands at issue is indefensible. Actions that propose to impose permanent management decisions on public lands must, at a minimum, specifically identify and describe each parcel of affected land. California v. Block, 690 F.2d 753 (9th Cir. 1982). This principle is embodied in the Forest Service's own planning regulations governing the preparation of environmental impact statements. The regulations require that maps be prepared and provided at the beginning of the scoping process: "[f]ormal public participation activities will begin with a notice to the news media and other sources which includes, as appropriate, the following information . . . [a] description and map of the geographic area affected." 36 C.F.R. § 219.6(c) (emphasis added).

By initiating and concluding the scoping process before such information was available, the Forest Service arbitrarily ignored NEPA requirements as well as its own regulations. The Forest Service's action denied South Dakota an opportunity to identify issues that should be addressed in the draft EIS. Once such opportunity is lost, it can never be regained. The only conceivable remedy for an agency action that arbitrarily denies opportunities for meaningful participation in the scoping process is the reopening of the process prior to preparation of the draft

BRIEF OF AMICI CURIAE IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION - 5

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EIS. If the Forest Service proceeds to issue a draft EIS before the injury is redressed, irreparable harm will be done to the States.

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III. CONCLUSION

A preliminary injunction is clearly required. Absent such an injunction, the states will suffer irreparable injury, and, given the narrow relief sought and the arbitrary and unjustified nature of the Forest Service's action, success on the merits is assured. See Topanga Press, Inc. v. City of Los Angeles, 989 F.2d 1524, 1528 (9th Cir. 1993) (preliminary injunction should issue if the movant shows either: "(1) probable success on the merits and irreparable injury; or (2) sufficiently serious questions to make the case a fair ground for litigation and a balance of hardships tipping decidedly in favor of the party requesting relief"). Moreover, the only hardship imposed on the Forest Service is a temporary delay in issuance of the draft EIS. Given the Forest Service's history of routinely granting requests for extension, and given the fact that the schedule originally proposed by the Forest Service was greatly accelerated, the delay can cause no conceivable harm. Indeed, a 120-day delay will still enable the Forest Service to complete the proposed EIS well short of the time normally occupied by the NEPA process, especially given the enormous scope of the undertaking. In short, granting the requested relief will assure compliance with NEPA's goals of cooperation with state agencies and complete

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identification of issues, while preserving the federal interest in timely completion of the EIS.

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Dated this 7th day of February, 2000.

Respectfully submitted,

MARK BARNETT
ATTORNEY GENERAL

Diane Best

Diane Best
Assistant Attorney General
500 E. Capitol Avenue
Pierre, South Dakota 57501-5070
Telephone: (605) 773-3215

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TOTAL P.21

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Black Hills Council of Local Governments

1602 Mt. View Road, Suite 104 · P.O. Box 9686 · Rapid City, South Dakota 57709-9686

July 14, 2000

USDA, Forest Service, CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah, 84122

RE: Roadless Areas Proposed Rule

To Whom it May Concern:

The Black Hills Council of Local Governments is a multi-county organization that serves all of the area contained within that portion of the Black Hills National Forest (BHNF) located in South Dakota. Our organization is comprised of both cities and counties located in the Black Hills Council service area. Discussed at our Board of Directors meeting held on July 13, 2000, was the subject proposed "Roadless Area" rule and the impact such a rule would have on the management and use of BHNF lands.

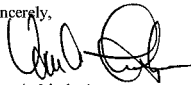
Our organization participated in, and commented on, the development of the revised BHNF Management Plan that was completed over a seven year period at a cost of \$7 million. This was a very lengthy process that included a thorough analysis of the specific and unique aspects of the forest. A tremendous investment of time and energy was made by thousands of people who live, work and play in the BHNF. As part of the plan revision process, the BHNF analyzed the Beaver Park and Sand Creek roadless areas and made decisions regarding how to best manage those areas in the future. Further, both the analysis and the decisions made in the revised plan were upheld by the Chief of the Forest Service.

We are very troubled by what is now being proposed: a Washington, D.C. top-down decision that would replace the existing locally-based forest decision on how roadless areas in the BHNF should be managed. Additionally, this Washington, D.C. decision is being proposed for implementation without even doing any local sensitivity analysis, including the risk of mountain pine beetles or the effects of fire on adjacent national forest or private lands.

Given the relative speed of the process and limited amount of time available for concerned parties to receive the proposed rules and make comments, we would respectfully request that the comment period for the Draft Environmental Impact Statement and Proposed Rules be extended for a period of 120-days to allow more time for public input on this matter. Absent such an action, we would strongly recommend that the proposal be either withdrawn or that the **no action alternative** be chosen.

Thank you for your consideration in this important matter that impacts our member units of local government and the citizens that we represent. Enclosed please find a copy of the Resolution adopted by our Board of Directors on July 13, 2000.

Sincerely,



Van A. Lindquist
Executive Director

enclosure

Phone (605) 394-2681 · Fax (605) 394-2684
SERVING LOCAL GOVERNMENTS IN THE BLACK HILLS AREA

16181

Black Hills Council of Local Governments

1602 Mt. View Road, Suite 104 · P.O. Box 9686 · Rapid City, South Dakota 57709-9686

RESOLUTION

PROPOSED FOREST SERVICE ROADLESS AREA PROTECTION PLAN

Whereas, significant amounts of US Forest Service lands are contained within the boundaries of the Black Hills Council of Local Governments, and these lands are an important social and economic resource of the area; and

Whereas, the Black Hills National Forest is currently being managed under a recently revised Forest Management plan that cost over \$7 million and took seven years for final approval after examining both logging and environmental issues in the Black Hills National Forest; and

Whereas, the Federal Government, through action by Administrative fiat through the United States Forest Service, has proposed a fast-tracked broad expansion of "Roadless Areas" on public lands across the nation, including certain areas within the Black Hills National Forest; and

Whereas, initial information indicated that the Black Hills National Forest would be exempt from this initiative given that the revised Forest Management Plan was recently implemented; and

Whereas, the 60 day public comment period regarding this "Roadless Area" proposal is nearing completion, and many individuals and organizations have either not had time to adequately review the proposal or have raised legitimate questions and concerns about the methodology, assumptions and findings of the Draft Environmental Impact Statement; and

Whereas, identified flaws in the analysis include aspects of socioeconomic factors that are highly important to the region, including the generalized demeaning of timber and mill workers and the communities in which they work and live, the lack of consideration of a reasonable range of alternatives to the "roadless area" recommendations, and the apparent disregard for other important issues such as the current escalating fire hazard that is associated with the mountain pine beetle infestation taking place in the Black Hills National Forest; and

Whereas, the "fast track" nature of this proposal appears to be at odds with the time consuming, local input/need sensitive process that occurred in the preparation of the recently completed Revised Forest Management Plan for the Black Hills; and

Whereas, our membership feels that the current proposal for the Black Hills National Forest is ill-founded and lacks both scientific basis and ethical merit for the area, and that a preferable process would seriously and specifically address the local forest planning level of the subject area, including a realistic and factual examination of the costs and benefits as well as the needs of the lands and desires of the people that would be impacted by such a proposal,

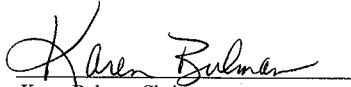
Phone (605) 394-2681 · Fax (605) 394-2684
SERVING LOCAL GOVERNMENTS IN THE BLACK HILLS AREA

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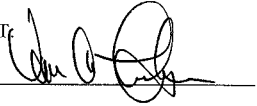
Now, therefore, be it resolved, that the Board of Directors of the Black Hills Council of Local Governments does hereby recommend that the comment period for the Draft Environmental Impact Statement and Proposed Rules be extended for a period of 120-days to allow more time for public input on this matter. Absent such an action, the body strongly recommends that the proposal be either withdrawn or that the no action alternative be chosen.

Be it further resolved, that a copy of this resolution be immediately transmitted to the designated official responsible for receiving comments on the proposal, and that additional copies of this resolution be forwarded to the South Dakota Congressional Delegation, along with a letter expressing both displeasure with this proposal and the process employed as well as a request for their strong support for any and all legislative remedies under consideration for the reversal of this ill conceived, top-down decision making process that will replace locally-based forest service decisions on how roadless areas in the Black Hills National Forest should be managed.

Adopted July 13, 2000


Karen Bulman, Chairman

ATTEST:



V 7 3 [] 5

2824

STATE REPRESENTATIVE
56TH LEGISLATIVE DISTRICT

107 WAR MEMORIAL BUILDING
NASHVILLE, TN 37243
(615) 741-0709

House of Representatives
State of Tennessee

NASHVILLE

COMMERCE
EDUCATION

April 13, 2000

Michael Dombeck
Chief
U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Tennessee, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Tennessee is fortunate to have some of the nation's most beautiful and diverse forests. Next to the Great Smoky Mountains National Park lies the Cherokee National Forest.

Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. The aquatic diversity of river's found within the Cherokee National Forest is of regional, national, and even global significance. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Beth H. Harwell

Beth H. Harwell

Received in FS/CCU
Initial: KH
Control No: 415 3948

Stanley E. Justice, Jr.
Mayor

Joseph Van Hook
Judge/Recorder

Ramona Walker
Court Clerk/Finance Officer

Gregory Scott Collins
City Administrator

Michael Dombeck
Chief
U.S. Forest Service
P.O. Box 96090
Washington, D.C. 20090

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As an elected official of Tennessee, I understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as a place of recreation and spiritual renewal. Even if they are not so fortunate to live next to a national forest, roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

If you look at this area, it is full of wildlife. Being an avid hunter myself, I can see where these areas need our protection. If you look at the **Meliman Group Poll, 1999**, you will see six times as many Americans believe we have not protected enough wild lands as those who think we have protected too much. More than 80 percent of hunters and anglers favor the protecting of roadless areas. (**Survey commissioned by the Teddy Roosevelt Conservation Alliance**). More than three-quarters of Americans support permanently protecting areas in National forests. The belief is shared by 62 percent of Republicans and two-thirds of Westerners polled. (**American View Point, 2000**). As you can see, an overwhelming majority of Americans, across the political spectrum and representing all regions, support the protection of roadless areas.

Roadless areas provide a unique habitat for many fish species of great recreational, commercial, and cultural value. The aquatic diversity of rivers found within the Cherokee National Forest, which lies next to the Great Smoky Mountains National Park, is of regional, national, and even global significance. Protecting them protects our history and ensures us a vibrant future.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities while retaining current residents and appealing to non extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extraction purposes.

Oliver Springs the Western Anchor of the Technology Corridor

4 1 7 [] 5
The Town of Oliver Springs

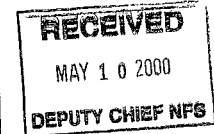
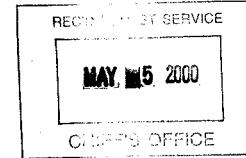
P.O. Box 303
Oliver Springs, Tennessee 37840
(423) 435-7722

ALDERMAN

Don Shillings
Jeffery Denton
Wanda Kinser
Edward King
Timothy Yarborough
O. Russell, Jr.

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MAY 11 RECD

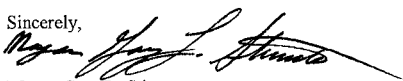


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I urge you to adopt a roadless area protection policy which protects areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Mayor Gary L. Stinnett

13572

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JUL 06 2000

Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials

GENE GREEN
29TH DISTRICT, TEXAS

- 2429 RAYBURN
WASHINGTON, DC 20515
(202) 225-1868
- 206 N. SAM HOUSTON PKWY. EAST
SUITE 25
HOUSTON, TEXAS 77060
(281) 999-5878
- 11811 I-10 EAST
SUITE 430
HOUSTON, TEXAS 77029
(713) 330-0781

Congress of the United States
House of Representatives
Washington, DC 20515-4329

June 9, 2000

5399 Roadless
CW 4/3/00
COMMITTEE ON COMMERCE
• SUBCOMMITTEE ON
TELECOMMUNICATIONS, TRADE AND
CONSUMER PROTECTION
• SUBCOMMITTEE ON HEALTH AND
ENVIRONMENT
• SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

REC'D FOREST SERVICE
JUN 13 2000
CHIEF'S OFFICE

Chief Mike Dombeck
U.S. Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW
Washington, D.c. 20250

E 1 2 5

BUDGET

Chief Mike Dombeck
U.S. Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW
Washington, DC 20250

Dear Chief Dombeck:

Dear Chief Dombeck:

I am writing to urge an additional public comment meeting on the proposed roadless initiative. I understand that the U.S. Forest Service is accepting public comments on the proposal to protect unroaded areas on our national forests. I recommend that, in order to maximize public participation in the comment process, another comment meeting be scheduled other than the one being held in Lufkin, Texas on June 27.

I am writing to urge an additional public comment meeting on the U.S. Forest Service's proposed roadless initiative.

Many Texas residents, including many in my district, depend on the Texas national forests for their clean drinking water and recreation opportunities. Currently, the only public comment meeting in Texas will be held at a location that is a two-and-a-half-hour drive from Houston, four-and-a-half hours from Austin and five hours from Dallas or San Antonio. Considering that the meeting is scheduled for 6:00 p.m. on a Tuesday, access to this meeting for most Texans is not realistic. Residents in all of Texas' metropolitan areas have a vested interest in participating in the public comment process and should have access to comment meetings. Having the public comment meeting exclusively in a rural town denies my constituents and other Texans from access to this important government decision.

I understand that the U.S. Forest Service is accepting public comments on the proposal to protect unroaded areas on our national forests. I believe that, in order to maximize public participation in the comment process, another public comment meeting should be scheduled in addition to the one being held in Lufkin, Texas on June 27.

The work of several of my constituents has resulted in another public information meeting to be held in Houston on June 21. This meeting, however, is off the record, and no public comments will be accepted. I urge you to change the status of this meeting from strictly informational to one at which the public can officially comment on the roadless area proposal. I encourage you to also consider holding a meeting on a Saturday to encourage participation. Please let me know how I or my staff can be of assistance in this matter.

Many Texas residents, including many in my district, utilize Texas' national forests. Currently, the only public comment meeting in Texas will be held at a location that is four-and-a-half hours from Austin, a two-and-a-half-hour drive from Houston, and five hours from Dallas or San Antonio. Considering that the meeting is scheduled for 6pm on a Tuesday, access to this meeting for most Texans is not realistic. Residents in all of Texas' metropolitan areas have a vested interest in participating in the public comment process and should have access to comment meetings.

Thank you for your attention. Please contact me or Courtenay Dusenbury in my Washington, D.C. office if I can provide you with further information.

The work of several of my constituents has resulted in another public information meeting to be held in Houston on June 21. While I appreciate the Forest Service's willingness to hold this meeting, it is off the record, and no public comments will be accepted. I urge you to change the status of this meeting from strictly informational to one at which the public can officially comment on the roadless area proposal.

Sincerely,
Gene Green
Gene Green
Member of Congress

Sincerely,
Kenneth E. Bertsen, Jr.
Kenneth E. Bertsen, Jr.
Member of Congress

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JUN 15 2000

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Control No: 4156690



STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

June 26, 2000

Mike Dombeck
Chief, U.S. Forest Service
201 14th & Independence, SW
P.O. Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

I wish to thank you for your letter of May 11, 2000, transmitting the proposed "Roadless Area Conservation" rule, and associated Draft Environmental Impact Statement, for review and comment. The state, through my office and the various state agencies, has been diligently reviewing the proposal since its receipt. For the reasons stated below, I must inform you that the mapping information presented is insufficient to evaluate the proposal. I must therefore respectfully request further information, and the time to evaluate that information.

We have downloaded and printed the mapping information available on your website, and have communicated with the person responsible for its preparation. The information provided consists solely of mapping polygons which indicate the general spatial extent of the areas within which the proposed rule would apply. By comparing those polygons with our own GIS sets of information on water rights, mining claims and the like, we are able to determine some of the effects of the proposal. Those analyses will be discussed in our substantive comments on the draft rule. Unfortunately, that is all we can do without additional information. Without more detailed information, we cannot determine the location or nature of the boundaries proposed, nor the on-the-ground situation within those boundaries.

The proposed rule indicates that the geographic areas to be covered include areas "inventoried during the Forest Service's Roadless Area Review and Evaluation (RARE II) process, subsequent assessments, or forest planning." (Section 294.11 - Definitions.) The RARE II process was conducted in the late 1970's, over 20 years ago, and was challenged in federal court. As a result of the challenge, the Forest Service proceeded with further RARE reviews as part of local forest plans. In the early 80's, each of the forests in Utah began this process, but work was terminated with the passage of the 1984 Utah Forest Service wilderness legislation. (P.L. 98-428). As a result, the boundaries of the various units being analyzed at that time, and the extent of each area's roadless character, were in various stages of public review.

43918
Mike Dombeck
June 26, 2000
Page 2

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Boundaries are crucial to the process, because only then can citizens be properly informed of their rights and responsibilities with respect to the land. Boundaries involve roads, pipelines, powerlines, clear cut areas, fences, section lines and so forth. The public has the right and obligation to examine the proposed boundaries, and let the Forest Service know if they make sense or not. Alternatives can be suggested, the practicality of managing any particular boundary can be discussed, and the core issue of the existence and nature of any roads within the proposed area be debated. Much of the debate centers around the definition of a "road," and the nature of the Forest Transportation System. This is true irrespective of, and independent from, the debate concerning R.S. 2477 roads. Further, because the process was never completed, the state never had an opportunity to evaluate, and possibly challenge, any final decision upon management prerogatives and restrictions within the various areas.

As an example, from some of the early 80's data we have been able to unearth, the writers state

The manageability of the area along inventoried boundaries would be moderately difficult because of the meandering lines. There are some opportunities for boundary modification, but little improvement would be possible because of road intrusions. (Mollens Hollow 19-761).

The manageability of the area along inventoried boundary lines would be difficult because over half the boundary follows a meander line. An adjustment to the boundary would likely not improve the situation The natural integrity of the area is excellent. The natural appearance is influenced by improved roads, evidence of timber harvest, and vegetative manipulation and water developments associated with grazing. (Widdop Mountain 19-766).

This information, along with the associated topographic maps, is much more helpful for our studies, but we do not have a complete set.

Finally, we are informed that each of the forests in Utah was in the process of reinventorying roadless areas, as part of the next round of forest planning in Utah, when the current proposal was drafted. Some of the forests were well underway, with an inventory prepared (Uinta National Forest), while others were just beginning (Dixie National Forest). The state has not had an opportunity to examine the proposed boundaries for the vast majority of these areas, nor the extent to which many of them are truly roadless. Nor can we even tell if those boundaries are used in the current proposal.

The mapping data you have provided is simply insufficient to study these issues. It is perfectly clear that the current proposal will have significant effects within the areas delineated, and the Forest Service has not provided us with the tools to do so. The state, nor any other party, does not bear the burden of seeking out and finding the information necessary to completely evaluate

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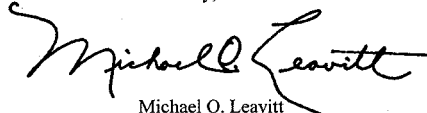
Mike Dombeck
June 26, 2000
Page 3

your proposal; the Forest Service must provide that information as a matter of law. Without the underlying information on the RARE II, early 80's, and most recent inventory work, the state is not able to fully and properly evaluate whether the geographic areas proposed make sense within the context of the draft rule.

I respectfully request that you provide the State of Utah with a complete set of the RARE II inventory information, the early 80's inventory information, and most recent inventory information, so we may exercise our due diligence in a responsible manner. I further request an additional 60 days from date of receipt of the information, in order to completely evaluate its contents.

Thank you for your immediate attention to this matter. Please feel free to contact John Harja of my staff with any concerns or questions.

Sincerely,


Michael O. Leavitt
Governor



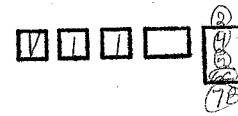
STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

July 17, 2000

Michael P. Dombeck
Chief, U.S. Forest Service
201 14th & Independence, S.W.
P.O. Box 96090
Washington, D.C. 20090 - 6090



CAFT RECEIVED
JUL 17 2000

Dear Chief Dombeck:

This letter and attachments constitute the response of the State of Utah to the Forest Service's proposed "Roadless Area Conservation" regulation, and associated Draft Environmental Impact Statement, released May 9, 2000 (F.R. 30268). These comments are submitted today in order to meet the deadline imposed in the Federal Register notice, but, as outlined further below, the state urgently requests that additional information be given us, and that the comment period be extended or reopened for an adequate time to allow us to review the additional information and make informed comment.

I believe this proposed regulation represents the worst in public policy and process. The Forest Service has abandoned its long and storied history of multiple-use, and adopted an extremely short sighted vision of the law, the needs of society, and the health of the nation's forests. The public process employed, though heavy on public meetings, is devoid of enough useful information to allow for informed public comment. The time frames established for public comment are minimal, and accommodate only a rapid decision, not a well thought-out decision.

In its obvious haste to complete this regulation by the end of 2000, the Forest Service has cobbled together bits and pieces of information from two decades worth of studies without any reconciliation of the work. The proposal's details are ill-conceived, poorly constructed on flimsy factual basis, full of half-truths and omissions, and severely underestimate the effects on forest health and the economic effects of rural Utah. The Forest Service is minimizing proper public debate about issues related to forest health, wildlife, multiple-use of the forest lands, timber sales, recreation, wilderness and all the rest of the statutorily required multiple-uses. After all the decades of discussion and debate on the protection of roadless areas as wilderness, the only possible purpose for breakneck speed can be to establish *defacto* wilderness without proper Congressional approval.

This proposed regulation, if adopted, will have a huge impact to the state, especially with many

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Michael P. Dombeck
July 17, 2000
Page 2

rural communities partially dependent upon forest products related businesses. Approximately 4.0 million acres will be affected in Utah, making about 61% of the National Forests in Utah managed in a roadless condition. The loss of 20.8 million board feet of planned timber sales over the next 5 years will have significant impact to the local economies of rural Utah. This is especially egregious, for example, for the town of Escalante, Utah, where the sawmill has already downsized and retooled to operate in a more ecologically sustainable manner, based on the projected available quantities of timber from the National Forest Service.

By letter dated June 26, 2000, I made a request for particular information which I believe exists and would assist the state in determining the true geographical and regulatory scope of the proposed regulation. I further requested an additional 60 days after receipt of the information in order to analyze it and make informed comment. To date, we have not received a response to that letter. I will expect a response immediately, and make a formal request under the Freedom of Information Act for this information. The state will not hesitate to defend its rights if you cannot accommodate this reasonable request.

Thank you for your prompt attention to this. Please feel free to call me or John Harja of my staff with any questions.

Sincerely,



Michael O. Leavitt
Governor

43918

Michael P. Dombeck
July 17, 2000
Page 3

ANALYSIS - GENERAL COMMENTS

The state has diligently begun the process of researching the law and facts behind this proposed regulation since its publication, and, with the limited information available, finds the regulation to be severely lacking in both legal support and factual support. The state strongly protests the extremely tight time frame for review, as normal federal procedures for a DEIS of this importance and magnitude would provide much more time than 60 days for review.

The state is also extremely disappointed that the Forest Service chose to ignore the authority, expertise and primacy of the states in the preparation of this regulation and DEIS. Several states independently offered to work with you in the preparation of alternatives, in order to prepare a proposal that would represent the best efforts at the recovery and maintenance of forest health within the parameters of multiple-use. The Governor of Utah offered the help and expertise of the state of Utah in a letter addressed to the Chief of the Forest Service, Michael Dombeck, dated February 8, 2000. No formal response of any sort was received until May 22, 2000, some days after the May 9 release of the Draft EIS. That response, a letter from Scott Conroy, Director of the Roadless Project, merely referred to the rather vague proposal involving Forest Service liaisons, rather than a serious opportunity to interact; a proposal made by Dombeck and Jim Lyons, Undersecretary of Agriculture, to the Western Governor's Association.

The DEIS indicates that there are just over 4.0 million acres in Utah within inventoried roadless areas (DEIS, page 3-3.). Including previously established designations of wilderness, more than 61 percent of all National Forest land in the state will be categorized and managed as roadless, and in the case of the Ashley National Forest, more than 90 percent of the Forest. In addition, the map prepared by the Forest Service entitled "Percent Reduction of Total Planned Timber Offer if Road Construction is Not Allowed Within Inventoried Roadless Areas, FY 2000 - 2004" shows that of 4 of the 5 National Forests in Utah, 2 will face a 11-25% reduction, and 2 will face a 26+% reduction in timber offers. The DEIS indicates a loss of 20.8 MMBF of planned timber sales in Utah over 5 years due to the planned restrictions on roads, enough for 354 direct and related jobs.

Congress has been very specific about the purposes for which the National Forests were created. The Forest Service was directed to manage for multiple use by the Multiple Use-Sustained Yield Act. Congress was specific about the process of planning for management of the Forests, and the need to involve the public in the planning process. Congress chose to not delegate to the Forest Service any authority to make decisions about the purposes for which these public lands will be managed. The proposed regulation runs contrary to this. The large acreage proposed for this single-use designation is, in reality, a commitment to wilderness preservation, something which is reserved to the Congress. Further consideration of any other multiple-uses on the lands covered by this proposal is of no practical consequence, and therefore does not exist. Of course,

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Michael P. Dombeck
July 17, 2000
Page 4

multiple use doesn't mean all uses on all acres of every national forest. The fact that wilderness is allowed, and created by Congress, does not validate only one use on extensive tracts which in some instances may, in aggregate, even be a majority of a national forest.

Background

The Proposed Regulation

The proposed regulation is styled as a conservation proposal. The rule would "conserve" geographic tracts of land identified as "inventoried roadless areas," and would further require future planning efforts to consider more such conservation efforts for other, as yet unidentified "unroaded" areas. The proposed regulation contains two parts. The first part, proposed section 294.12, would immediately prohibit the construction or reconstruction of roads within the "unroaded portions of inventoried roadless areas," with certain exceptions. This prohibition would become effective immediately, and would cover both classified and unclassified roads. The second part, proposed section 294.13, would require the responsible official to consider nine "inherent characteristics" of roadless areas, undefined in the regulation but explained in the accompanying text, during future planning processes. This requirement would apply to the "unroaded portions of inventoried roadless areas" and "unroaded areas."

The proposed regulation defines "inventoried roadless areas" as "undeveloped areas typically exceeding 5,000 acres that meet the minimum criteria for wilderness consideration under the Wilderness Act and were inventoried during the (Roadless Area Review and Evaluation II) process, subsequent assessments, or forest planning." (Section 294.11, proposed regulation.) In order to identify the boundaries of these areas, we are referred to Volume 2 of the DEIS, which contains generically descriptive Geographic Information System (GIS) maps, also found on the Service's website. It follows then that all of the areas listed are known because of their appearance, at one time or another, on an inventory of roadless character done as part of a review for possible wilderness recommendation. The establishment of wilderness areas is, of course, reserved to the Congress of the United States, although the Forest Service may protect areas pending designation by Congress, if the established process for amending the local forest plan is followed.

The RARE II process was conducted in the late 1970's, over 20 years ago, and was challenged in federal court. As a result of the challenge, the Forest Service proceeded with further RARE reviews as part of local forest plans. In the early 80's, each of the forests in Utah began this process, but work was terminated with the passage of the 1984 Utah Forest Service wilderness legislation. (P.L. 98-428). As a result, the boundaries of the various units being analyzed at that time, and the extent of each area's roadless character, were in various stages of public review. In the mid-90s, some of the Forests in Utah began relooking at roadless areas as part of the next round of Forest planning. The five forests in Utah were at various stages in this review. None of this background information has been made available for the state to review, though we were able to locate, after much searching, up a copy of the draft EIS for the Wasatch-Cache National

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Forest (1984), a copy of a portion of the mid-80s roadless area draft inventory for a portion of the Dixie National Forest (for an area known as Boulder Top), and a copy of the final Land and Resource Management Plan for the Manti-La Sal National Forest with maps (undated but adopted probably in 1985-86).

The forest planning process in effect today requires an inventory of roadless areas as a part of the inventory of all forest resources at the beginning of a planning cycle. Naturally, such an inventory requires that "road" be defined. This definition is the most debated point in the many different inventories that have been done over the last two decades. Recently the Uinta National Forest began the process of revising its Land Management Plan. An inventory of roadless areas was done, and the draft results published for public comment in a document called, "Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest (April 1999)." This inventory is not a recommendation for protection as wilderness, as any such recommendations would have been made in the Draft EIS for the Forest's revised plan. The letter transmitting the draft inventory specifically stated

The enclosed draft roadless inventory is not a [NEPA] decision and is not appealable. Areas identified as unroaded and undeveloped in this Draft Inventory are not designated or recommended for wilderness in this report. Rather, any such recommendations will be made through the Forest Plan revision process ... and the regulations implementing the National Forest Management Act. Before any recommendations can be made, further analysis and evaluation must be completed. This analysis and evaluation will be included with the inventory ... in the [DEIS] for the Revised Forest Plan.

(See attached "Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest, dated April 1999, and the transmittal letter dated May 10, 1999.)

Of necessity, both the various studies of the roadless character of forest areas, and the proposed regulation, define the term road, which is "a motor vehicle travelway over 50 inches wide. A road may be classified or unclassified." Classified roads are roads planned and managed for motor vehicle access, while unclassified roads are not, including temporary roads and off-road vehicle tracks. Similarly, adding to those definitions, unroaded areas are defined as an area without classified roads big enough to protect its inherent characteristics. Finally, the "unroaded portion of an inventoried roadless area" is that portion of an inventoried roadless area in which no classified roads have been constructed since the inventory. (Section 294.11, proposed regulation.)

The proposed regulation states that its purpose is not the protection of roadless areas as wilderness, but it is instead designed to conserve the roadless areas themselves, that is, protect the roadless areas from diminishment in number or geographic size. (See generally p. S-16, DEIS.) The proposed regulation then proposes a new set of "inherent characteristics" for the

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roadless areas. Of course, these characteristics constitute much more than just a lack of "roads," and are different from the characteristics necessary to support a wilderness designation. The proposed regulation and DEIS identify the following as inherent characteristics which must be considered whenever discussing or planning for roadless areas in the future:

- a) soil, water and air
- b) public drinking water
- c) diversity of plant and animal communities
- d) habitat for species, endangered, threatened or sensitive
- e) dispersed recreation, both primitive and semi-primitive non-motorized
- f) reference landscapes
- g) landscape character and scenic integrity
- h) traditional cultural properties and sacred sites, and
- i) other locally identified unique characteristics.

Legal Framework

The Organic Act of 1897 originally created Forest Reserves throughout the United States for "securing favorable conditions of water and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States." These Forest Reserves were later renamed the National Forests. The Multiple Use Sustained Yield Act of 1960 expanded the purposes to include forage, wildlife and recreation as well as the original water and timber. That Act further stipulated that the Forests were to be managed in such a way that the flow of products and amenities would be continual and defined the Multiple Use - Sustained Yield principle. The National Environmental Protection Act of 1969 established a process that would examine the consequences of any action proposed by any federal agency and provided a forum for concerned individuals or entities to articulate their relevant issues. The National Forest Management Act of 1976 provided direction for management planning for the Forests under Multiple Use Sustained Yield principles. The Utah Wilderness Act of 1984 designated about 300,000 acres of national forest land in the state as wilderness and returned the unselected areas to full multiple use status. Finally, the Federal Advisory Committee Act of 1972 identified constraints for Federal agencies when seeking advice from citizens on agency entrusted matters.

State Comments - General

With the above background, the state offers these general comments on the proposed regulation and DEIS, followed by attachments contained detailed information and maps.

Insufficient Information - Due Process

First and foremost, it is a fundamental principle of law that citizens must be given sufficient information so each of them can understand the laws affecting them. This proposed regulation has a geographic aspect, because road construction and reconstruction are to be prohibited in

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certain geographic areas. Thus, citizens must be able to determine exactly which geographic areas will have the no road building requirement imposed on them. If they do not know, they cannot plan where legal activities involving roads may occur, and where they may not. This uncertainty will cast a shadow of doubt upon all areas of the forest, not just those inventoried roadless areas slated for these restrictions. This shadow of a doubt will most certainly lead to further appeals and litigation over any legitimate user wishing to operate in the non-restrictive zone, which is most assuredly not the level of certainty sought by this proposed regulation.

It is a matter of NEPA law that environmental impact statements must contain sufficient information to allow the readers to fully evaluate the effects of the proposal. Although the DEIS states that the proposed regulation, if adopted, would cover more than 4.0 million acres in Utah, that acreage figure, is calculated by adding the acreage of many, many smaller units. The DEIS does not state how many smaller units are proposed in the State of Utah. The state believes quite strongly that each of the proposed units must be examined on its own merits. NEPA requires that detailed on-the-ground information be given for each and every proposal. The fact that this is a nationwide proposal does not excuse this requirement. It is true that some nationwide proposals are made in programmatic style, but each of them is followed by localized NEPA studies. The current proposal is not styled as a programmatic EIS, but states instead that it will have immediate effect on-the-ground. Therefore, the state and citizens are entitled to enough detailed information to evaluate each and every area.

The state has not been given sufficient information to evaluate or even identify each proposed restrictive unit. The state has attempted to ascertain the boundaries of the each and every unit, the history of the boundary, the history of past management conditions for the unit, current needs and conditions and similar facts. Only then can we make informed comment on whether the proposed restrictions makes sense in that area. The information provided by the Forest Service states only that the proposed units were identified in "RARE II studies, subsequent forest plans or assessments." As the state pointed out in its letter of June 26, 2000, for Utah this apparently consists of the late '70s RARE II studies, mid '80's draft forest plans, and some late '90s reassessment work.

Thus, out of apparently up to 15 sets of inventory data (5 full forests in Utah, up to 3 sets of inventory work each), the state has 4, as described in the background section above. From a comparison of these documents with the digitized GIS maps provided, it appears that some information from each of the 4 sets we have has been used in some way to create the geographic areas covered by the proposed regulation. However, none of them paints a complete picture of the on-the-ground effects of the proposal.

For example, comparing the shape of certain of the restrictive unit polygons on the Forest Service GIS maps with the shape of areas within the Uinta Forest's 1999 draft roadless inventory shows an apparent match in shape. Similarly, some of the shapes in the Manti-La Sal mid-80's

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Land Management Plan match shapes on the current proposal's maps. This indicates to us that both were used in the production of the current proposal. Unfortunately, when we look further into the information accompanying these historical studies, inconsistencies and errors are found.

Some examples will indicate these errors.

First, the maps for Utah accompanying the proposed regulation (Vol. 2, DEIS or website) contain two subsets (relevant to Utah) of the proposed restrictive units. The labels accompanying these categories state 1) "Inventoried Roadless Area identified in forest plans or completed assessments adopted by the agency allocated to a prescription that allows road construction or reconstruction" and, of particular interest, 2) "Inventoried Roadless Area identified in forest plans or completed assessments adopted by the agency allocated to a prescription that does not allow road construction or reconstruction." In the latter case, this means that there are areas which have been inventoried, identified in a forest plan, and in that plan is a prescription that does not allow road construction or reconstruction.

A reading of the final Manti-La Sal Land Management Plan, which is the duly adopted plan for that Forest, reveals no such statements. As discussed earlier, the roadless inventory process for Utah forest plans in the 80's was stopped by the Utah Wilderness Act of 1984. Therefore, the Manti-La Sal Forest Plan should not, and in fact does not, contain any discussions of roadless areas, or plans to preserve roadless areas for future wilderness designation. However, by comparing the shapes of the management zones on the maps accompanying the final Manti-La Sal plan with the subcategory of proposed restrictive units called "no road building allowed," (number 2 above) we found a match under the obscure label of "SPR," or "semi-primitive recreation." The duly adopted management prescription for these areas reads

Emphasis is on providing Semi-Primitive Recreation Use. Recreation opportunities such as hiking, horseback riding, hunting, cross country skiing, day use, and ORV use are available. Some areas are closed to motor vehicles. Other uses occur so long as the area is rehabilitated to reflect as closely as possible, previous undisturbed conditions.

This language does not reflect a prohibition on road construction or reconstruction. In fact, it strongly implies that roads could be built for other uses, if the road was then reclaimed. It is apparent therefore that the Forest Service has not accurately represented the nature of the current planning conditions in this forest, is understating the effects of the proposal, and is in reality making a much more restrictive proposal than advertised.

Second, the maps accompanying the draft Wasatch-Cache National Forest plan are not even that clear. When we lay the proposed restrictive unit polygons over the map of management zones set forth in the Wasatch-Cache plan, no consistent pattern emerges using the labels on the map. Some of areas with the label SPR are included in the proposed restrictive zones, while others are

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not. In fact, apparently some of the areas included in the proposed regulation would include existing management zones labeled SPM - semi-primitive motorized. In addition, the labels for these areas do not provide the same wording as that on the maps for the Manti-La Sal Forest. The Forest Service is being inconsistent in its own interpretations.

Third, the state is aware of a decision by the supervisor of the Dixie National Forest two years ago to decommission 89 miles of roads in a portion of the Forest known as Boulder Top. Forty-two miles of road were left open, and designated part of the Forest Development Road System. This decision was upheld in federal district court in Utah, and we would expect the maps provided in the current proposal to reflect this. A casual look at the maps provided shows no roads at all, and the public might believe the entire area is roadless. When we enlarge the GIS maps provided - greatly enlarge them - we can start to discern road patterns. We cannot determine if these traces on a stylized map are in fact the roads left open by the court decision. Further, assuming the information is correct, the roads do define areas between them which are labeled as the proposed restrictive areas for this regulation. But the shapes of these areas do not match any of the shapes indicated on the mid-80s draft inventory that we do have. We can therefore only conclude first, the judicially approved roads are apparently not accurately represented, and second, some other source of information has been used to create the current restrictive unit shapes. We are not aware of a late '90s published draft inventory for the Dixie Forest, similar to that done in 1999 by the Uinta Forest. We are aware that initial roadless area inventory work was underway in both the Dixie and the Fishlake National Forests, as evidenced by a joint letter dated June 26, 1998 from the two Forest Supervisors. Therefore, we believe that the Forest Service is relying on unpublished work to establish a major policy initiative, and has not provided that work to the state or anyone else for review. This is an illegal violation of NEPA requirements.

Fourth, the state's concern about lack of information is heightened because the proposed regulation purports to cover only the "unroaded portions" of an inventoried roadless areas. As discussed in the background section above, the changing interpretation of the definition of roadless is the major question in this public debate. The three major reviews that have been mentioned, all come to separate conclusions, fundamentally upon different interpretations of the distinction between classified and unclassified roads. Unclassified roads are roads, of course, but the Forest Service simply chooses to not count them as part of a roadless inventory. Again, however, these inventories were done as part of a review for possible wilderness designation. As such, the remainder of the planning process would balance all of the other multiple-uses for the area with the possibility of wilderness. The need for timber, mining, motorized recreation, wildlife habitat, large open spaces could all be examined, and the presence of classified or unclassified roads in each area was a part of the equation. It was always a possible outcome that the presence of unclassified roads, in an inventoried roadless area, along with the other multiple-use needs, meant that an inventoried roadless area was not appropriate for consideration as wilderness, and another management choice would be made.

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The proposed regulation, however, intends to use these inventoried roadless areas, including roads, as an object to be preserved. Does the Service intend to preserve all the roads in these roadless areas? The proposed regulation clearly states that no classified or unclassified roads may be reconstructed, with certain vague exceptions for public health and safety, CERCLA cleanup, and resource protection based realignments (Section 294.12). Thus, this proposed regulation constitutes an immediate decommissioning and closure of the roads without any localized process or input. This is not good public process. For necessary road closures, a localized process such as that recently used on the Boulder Top is far better.

The state has a further concern about the Service using the label "unroaded portion of an inventoried roadless area." The state does not know where those areas are, and the proposal does not indicate. The Service is admitting that roads, classified and unclassified, have been built in inventoried roadless areas. And, as shown above in the Manti-La Sal National Forest, it is legal, with NEPA compliance, to build roads in the very areas that the current proposal states that such is not possible. Because the Forest Service admits that roads have been built in roadless areas, and has neglected to figure out where those roads are, they attempt to short-circuit the necessary studies by claiming that the rule only applies to the currently unroaded portion. Where is that? What evidence has been used? How are citizens and forest supervisors to understand where those areas are? How can the Forest Service propose a new regulation that has a geographic aspect without understanding exactly where those areas are? Based on past experience the state believes that, unless these areas are carefully proposed, with boundaries open for public review, that every time something is proposed, it will suddenly be inside the slippery, moving target of an unroaded portion of some inventoried roadless area. The maps of the unroaded areas will be generated on an *ad hoc* basis over the next 15 years. The Forest Service has the responsibility to clearly define the areas of the regulations affect today. If the Service does its job correctly in this regard, the need to define the unroaded portion of the areas will not exist, because the maps will clearly demonstrate which areas are covered, and which are not.

Roads are vital in the State of Utah. Not only has the state participated in the roadless inventory/wilderness review process each time it has come up, the state participates in the process related to road closures, and assists local government in protecting its rights under law to manage roads themselves. The state has participated in many lawsuits in federal court over roads in Utah, and, of course, recently, by letter dated June 14, 2000, sent a statutorily required notice to the Secretary of Agriculture stating that the state intends to sue the Department in order to quiet title to certain roads. That lawsuit will be filed in the near future.

To summarize then, the Service is proposing to take various inventories of roadless areas done over a span of two decades; ignore the debate about the definition of a road in each of them; recognize that roads, both classified and unclassified have been built in those two decades; mandate no further construction or reconstruction thereby effectively decommissioning and closing those roads; and not tell anybody exactly where those areas are. This process is

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unconstitutional as well as illegal.

The state's examination of the facts leads to errors and inconsistencies in the work of the Service in the preparation of this proposed regulation. Frankly, the work appears sloppy. It was hastily assembled in order to meet expedited deadlines. Documents subpoenaed by the U.S. Senate show that the deadlines for this proposal were set solely to meet political deadlines, with no consideration of proper forest health or legitimate public debate. The state is left to wonder when these errors and inconsistencies are to be fixed, and by whom. If a short review of a bit of the background information discloses the above errors and inconsistencies, what will a more detailed review find? More importantly, will the state be able to participate and exercise its right to comment? The state strongly assert that these errors cannot simply be fixed in the final proposal. A revised DEIS must be issued, with reasonable time to make informed comment.

Compliance with statutory requirements

The state has serious concerns about the compatibility of the proposed regulation with the statutory mandates of the agency. It is clear that the agency has gone to great lengths to use areas which have been inventoried for their possible inclusion as wilderness in the proposal. Yet the agency has also gone to great lengths to establish new criteria to both justify the immediate restrictions on roads, and to be examined in the case of future planning. These new criteria have no basis in law, and, in fact, are often used as the justification for the establishment of wilderness. It is true they are not the legal requirements for wilderness as set out in the Wilderness Act of 1964, but these same requirements appear in much of the literature as the rationale for wilderness protections. The fact that the so-called inherent characteristics are the same as the normal reasons given to save areas of land as wilderness (not the same as the legal requirements for wilderness) indicates the predisposition of the Service toward wilderness at the expense of the other multiple-uses. The entire proposed regulation is nothing more than an attempt to create *defacto* wilderness without Congressional approval.

The state has read with great interest the testimony of James P. Perry before the U.S. Senate. Mr. Perry, though now retired, served for 32 years as an attorney in the Office of General Counsel, U.S. Department of Agriculture, and worked with 5 different Chiefs of the Forest Service, including Mike Dombeck, the current Chief. Mr. Perry was testifying about the legality of the Forest Service's new proposed planning regulations, featuring the concept of "ecological sustainability." Mr. Perry's testimony indicated how this term was vague, uncertain, and most likely did not comply with the Congressionally mandated requirements to manage the forests in a multiple-use manner. The state agrees with those comments of Mr. Perry, and believes they can be extended to the current proposed regulation. For the Forest Service to focus so very, very narrowly on the idea that only roadless/wilderness areas will cause the forest to be successfully managed is an abandonment of the multiple-use mandate.

The Forest Service also has not tied the two sets of regulations together in a coherent manner.

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How will the idea of "ecological sustainability," if adopted and legal, fit into this proposed regulation? Given the bias of the Forest Service in the current DEIS, the state would assert that the Forest Service is simply using the current proposed regulation as support for the other. The state believes that they are both part of the same conceptual idea, and that the two have been segmented into two parts in order to minimize the effects of each, in violation of NEPA.

Need for plan amendments

As shown above, the duly adopted plan for the Manti-La Sal National Forest does in fact state different management prescriptions than the current proposal alleges. Thus, for the current proposal to become effective, the forest plan needs to be amended. The proposed regulation does not amend the plan for the Manti-La Sal National Forest, and in fact specifically states that plan amendments are not mandated by the proposed regulation at all (Section 294.14(b)). Though section 294.14(b) can be interpreted a couple of different ways, the fact is that the proposed regulation, if adopted, will conflict with the forest plans duly adopted by equally valid regulation (36 CFR Part 219 - Planning). The Forest Service is thereby proposing to establish conflicting requirements. This is extremely poor way of operating a government agency. Roads are legal under one set of regulations, and illegal under another. It is the responsibility of the Forest Service to propose a complete regulation package, one that would resolve this apparent contradiction. However, since plan amendments are not contemplated by the current proposal, and, in fact, are not even to be required, the current DEIS will not support plan amendments as an alternative. Because basic NEPA law holds that the final decision of an agency may not exceed the breadth and scope of the alternatives presented, the agency will be required to reissue the DEIS to correctly deal with this issue.

The required plan amendments cannot be deferred either. The proposed regulation indicates it will have immediate effect. An immediate contradiction in regulations is not good policy or practice. Further, deferring the amendments would have the effect of making the current proposal a programmatic one. The state would then correctly expect and look for localized studies of the programmatic regulation on specific areas. Such localized studies would have to consider all options, including the ability to construct roads in order to meet legal responsibilities. No options could be precluded.

Not Enough Alternatives Presented

The DEIS for the proposed regulation contains four alternatives (DEIS, p. 2-2 to 2-10 - excluding the Tongass discussion). It considers alternative positions on the proposed prohibitions in the inventoried roadless areas, and alternative procedures in the second part. The DEIS specifically does not consider a number of alternatives, as stated on p 2-15, including alternative methods of achieving the same protections. The DEIS and the proposed regulation indicate that this proposal are proceeding at the direction of the President. Documents obtained by the U.S. Senate reveal that the President was advised on this matter by George Frampton, Chair of the Council on Environmental Quality, Michael Dombeck, Chief of the Forest Service, and others. This is fine,

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of course, except that the same documents reveal that these persons worked with a citizens group to set the parameters of the proposed regulation. Aside from a possible violation of FACA, it is likely the agency has impermissibly limited the range of alternatives considered by arranging ahead of time to be required to have the range limited. Several of the alternatives listed, particularly "alternative prohibitions" "alternative geographical definitions," "alternative durations" and "alternative exemptions" would make very fine, practical alternatives to meet the needs of forest health and societal needs within roadless areas.

The range of alternatives is very limited, and does not include an alternative exploring other ways of achieving the goals of forest health and all of the 9 inherent characteristics through active forest management. This moderate, on-the-ground practical position should be presented, rather than only the extreme alternatives of "no action" and "close everything." Roads can be closed after mineral exploration, timber extraction, water development, fuel reduction or forest health treatments. In addition, as future projects requiring new road construction were considered, a simple requirement of road closure and reclamation after project completion could be made a condition of project approval. A closed road does not sever wildlife habitat or cause fragmentation. A closed road in fact provide extremely desirable areas of forest edge, where many species thrive.

State Primacy and Federalism Concerns

The second part of the proposed regulation, Section 294.13, raises serious considerations about compliance with state primacy provisions under federal laws, and federalism concerns. The proposed regulation requires the local supervisor to evaluate the quality and importance of "soil, water and air" and "sources of public drinking water" when examining unroaded areas in future plan revisions. The proposed regulation does not contain any further criteria about this evaluation. This evaluation is then used to determine "management protections" and the "level of such protection" in the subsequent plan, such protections to further the conservation of roadless areas.

The state is the entity given primacy, under the terms of the Clean Air and Clean Water Acts and a delegation from the EPA, for air and water quality. These laws provide for permits for any type of disturbance or other act which may cause a discharge into the air or waters of the state. The state is responsible for other air quality considerations, including haze. Many of the western states have agreed to the provisions of the Western Regional Air Partnership (WRAP), a regional effort to combat regional haze. The state cannot imagine how the local supervisor can make this evaluation without the expertise of the state personnel in air and water quality. The proposed regulation does not provide for any consultations, memoranda of understanding, or any communications as these evaluations are being conducted.

Further, because the state has primacy in the area of wildlife management, questions of federalism are raised when the proposed regulation purports to have the local managers

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evaluations of wildlife habitat. Again, the proposed regulation does not provide for any consultations, memoranda of understanding, or other communications to insure that the state's primacy with wildlife issues is given full consideration.

Other Uses that Require Roads

The proposed regulation states that its only effect is to prohibit road construction or reconstruction inside certain areas. The regulation does not, and cannot, alter the other laws of the nation which allow uses of these lands, such as the mining laws or timber sales laws. If the regulation becomes effective, the Forest Service will still be required to honor those other uses. Honoring those uses requires more than the lip service presented. For example, the Forest Service will be required to allow prospecting for minerals, and exploratory drilling for coal and oil and gas. This is more than a recognition of a current outstanding right. This is the right to develop an outstanding right. The Service must also allow the exploration to proceed in an economic manner, otherwise, the regulation will have the effect of denying uses authorized under the other laws of the nation.

If the Service is not restricting the ability to apply for permits to explore for minerals, then explore for and develop any minerals found, all pursuant to NEPA analysis and the like, then the proposed regulation should so state. If this is the case, the regulation needs to state how to apply and what process can be expected. If the right to explore for minerals is being restricted, the proposed regulation will constitute an illegal withdrawal of land. Withdrawals of land may only proceed pursuant to law (43 USC 1716). Similarly, the Service must provide for timber sales and timber harvest in an economic manner. Helicopter harvest is generally not economic in Utah. The regulation cannot restrict economic timber sales without constituting a violation of the timber laws. The regulation needs to state how timber sales can proceed.

Effect on other lands

In its haste to ram this regulation through for federal lands, the Service is not considering the effects on state and private lands. Restrictions on the federal lands will increase the pressure on private and state lands. Increased use there may in turn have effects on the health of the federal forests. The forests are all connected, and a short sighted emphasis on one type of management for federal lands may not constitute the best overall management scheme for all the forests. The Service is simply ignoring the partnerships that may be possible with other landowners for the greater good. The Service needs to consider this issue in much greater depth.

The availability of federal timber has declined steadily in the last seven years while the demand for wood products has continued to climb. In 1993, 13 percent of the total amount of timber cut in Utah came from private and state land. In 1998, timber from private and state lands had increased to 60 percent of the total. That amount of timber cut from private lands is definitely not sustainable. The impact of that transferred demand has far reaching impacts on more than just timber availability and supply. Cutting of National Forest timber is subject to close scrutiny

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and controlled by adherence to conservation practices. Those same safeguards do not exist on private land. Protection is not as effective on these lands yet the same impacts occur, particularly to water quality.

The explosion of insect and disease populations is alarming. Many hundreds of thousands of acres of National Forest land in Utah are dying or already dead due to spruce bark beetle, mountain pine beetle and fir engraver epidemics. Many of these epidemics have originated on National Forest and proliferated to become epidemics. Once these outbreaks reach epidemic proportions, they cannot be stopped until they collapse in upon themselves. The private and state lands intermingled with or adjacent to National Forest lands are then victims of spreading epidemics which cannot be halted at any boundary or property ownership line. The designation of huge tracts of roadless areas will exacerbate the presently existing problems.

A set of maps is attached (Attachment 2) that shows the present location of insect populations on national forest lands in the state of Utah. Projected impacts to adjacent or intermingled land private and state land are identified. The projection is based upon the same time period used in the draft EIS, 5 years. As one can see, significant amounts of private and state forest land will be affected. It is anticipated that 230,025 acres of private forest and 45,529 acres of state forest will be destroyed by the expansion of the existing epidemics which already exist on national forest land. That situation is not acceptable to the state of Utah. Fire risk adds another dimension to the risk. The risk of catastrophic fire will become untenable as these dying and dead forests impact the fuel load.

Economic effects

The draft EIS addresses the communities in Utah and elsewhere that will be affected by the proposed rule and the subsequent reduction in timber harvest. The estimation of impact is dramatically understated. For example, the reference to the Dixie National Forest and the impact states that 19-20 jobs might be lost in Escalante and Panguitch, Utah. However, the sawmill in Escalante alone employs 85 persons and indirectly employees another 50 persons. There is no doubt that this sawmill in Escalante would be forced to close if the proposed regulation were to be implemented. This is in an area where the opportunities for employment have already been significantly reduced due to the Presidential creation of the Grand Staircase Escalante National Monument. Similar misrepresentations are present throughout the document. The impact is downplayed in almost every aspect of consideration. Even the number of communities is understated. The communities in Utah affected would include Beaver, Bicknell, Hyrum, Lyman, Old LaSal, and Sigurd in addition to the ones mentioned in the document. As many as 354 jobs could well be lost in the state of Utah alone, which is more than half of the number stated for the entire nation. These numbers are reflective of employment within sawmills which will be adversely affected by the proposed rule. The draft EIS specifically states that, in Utah, 20.8 MM board feet of timber annually would not be cut and then suggests that only about 37 jobs would be affected, some of which would be in Idaho. There is no basis for this statement. There is no

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information given which would substantiate the correlation between the reduction of timber and the loss of only 37 jobs. As described above, the real impact would actually be much greater than that indicated.

Throughout the document, the reduction of timber to be harvested and the impact created by that reduction is severely understated. The amount of timber harvested in 1996-1998 is used as a baseline for any impact considered by the further reduction under the proposed rule. However, the amount harvested used as the baseline is already at an all-time low for timber harvested from National Forest land. The transfer of demand to private land, state land and other nations will be further exacerbated by the use of these skewed or biased baseline figures. The true indication of the effects of this proposed rule should be a comparison of volume reduction due to this proposed rule in relation to the volume of timber sold over the last decade or two. That would more accurately reflect the cumulative impact of this latest reduction in availability of Forest Service timber.

The EIS also predicts the effect of the recommended alternative and other alternatives by cutting the schedule of timber harvest over the next 5 years. On page 3-184,185, the document refers to a 30 percent reduction of planned vs. actual sales, and then further reduces that amount by an unspecified percentage to create what is called the "annual average harvest." According to the table 3-40, this amounts to 15.8 MM Board Feet (BF) in the Intermountain Region, of which Utah is a part. In that same table, Alternative 2 is identified as only affecting or reducing the average annual harvest by 21.6 MMBF and Alternatives 3 and 4 are said to reduce the average annual harvest 24.0 MMBF. However, the table 3-54 on page 3-213 states that a reduction of 20.8 MMBF annually would occur on the forests in Utah alone without including the other National Forests of the Intermountain Region. That discrepancy is not without significance. That difference alone is enough volume to operate a sawmill similar in capacity to both the mill at Escalante and at Kamas. These two mills provide 100 directly employed jobs and another 60 indirectly employed jobs. That far exceeds the estimates stated in the DEIS on pages 3-218 and 3-219.

In addition, the Forest Service has a document with supporting computer program and statistics called the Timber Sales Program Information and Reporting System(TSPIRS). TSPIRS uses the figure of 17 direct and indirect jobs affected for each million board feet of timber cut. The draft EIS, on page 3-213 provides the information that a reduction of 20.81 MM Board Feet would occur if the alternative prohibiting road construction and timber harvest were selected. Using the figures of the TSPIRS (the calculations provided by the Forest Service), of 17 jobs affected for each million board foot reduction, the impact is calculated to be 354 jobs in Utah.

The statement on page 3-221 of the draft EIS identifies only 119 jobs affected on two forests in Utah and two Idaho forests. Again, using the TSPIRS figure, the impact would be 490 jobs for the Caribou, Payette, Dixie and Manti-LaSal National Forests. The draft EIS is carefully worded

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to direct attention away from a state-by-state analysis by including data from two or more states and arranging the combinations of forests to disguise the real impact. In other instances, the figures are erroneously calculated to reduce the apparent impact of the selected and other alternatives.

Realistically, one local sawmill operator, Steven Steed, manager of the mill in Escalante, Utah reports

In reality there are fourteen small family-owned sawmills in Utah that depend on federal timber. These sawmills directly employ over 406 people and indirectly employ approximately 200 loggers and truckers. Over half of the sales planned for this year, on the three Southern Utah forests [Dixie, Fishlake, Manti-La Sal] were to be in RARE II Roadless Areas. ... Without this volume, most of these companies will also fail.

In addition to the jobs which will be lost in the private sector as mentioned above, there will be a substantial number of jobs within the Forest Service that will be lost as well. With the reduction of timber sales as described in the draft EIS, fewer people will be needed to work for the Forest Service to prepare, conduct and administer timber sales. These people are usually located in the rural communities where sawmills and logging companies conduct business. The effect of the proposed rule, then, is to amplify the loss of jobs in these rural communities. That aspect of the impact is not addressed in the draft EIS at all.

Payments to the States

The draft EIS also understates the effects of the proposal on the Payment to the States (PTS). This revenue is directed to the counties in which the timber is cut. Most of these are rural counties with a small population base and the revenue is important to the annual budget. The draft EIS opines that the decreases in PTS would be partially offset by increases in payments in lieu of tax, or other yet to be determined Congressional legislation. The requirements of NEPA do not allow the Forest Service to avoid the tough calculations of the effect on payments by speculating that someone else may solve the problem. The Forest Service needs to clearly state the revenue loss to the local communities, and calculate such loss based on an accurate estimate of cuts in timber sales as discussed above.

Erroneous Baseline Used for Impact Analysis

The document refers to the impact of timber volume reduction by using two misleading figures. The misrepresentation of using the baseline harvest data of 1996-98, mentioned above, definitely skews the analysis. The harvest level of 1996-98 is far below the average harvest level of the previous decade and thereby misrepresents the overall reduction due to the proposed regulation. The other significant misrepresentation is the failure to compare the amount planned for harvest in relation to the increment or volume grown each year. The National Forests have been cautious in proposing any timber sales in areas previously categorized as inventoried roadless areas.

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Because of the present administration policy, most forests have a 5 year plan to cut much less timber than could be cut (identified in the Allowable Sale Quantity or AS) and, in fact, has been cut in the past. So any analysis of impact using the current 5 year planned sales is much below the actual impact of the Alternatives 2 through 4.

For example, on the Dixie National Forest, the 1998 inventory indicated over 3.5 billion board feet of live commercial timber exclusive of pinyon-juniper. Annual mortality is in excess of 53 million board feet and net growth is more than 45 million board feet. Net growth is derived by subtracting the mortality from the annual volume increment. The amount of timber expected to be cut is 3.9 million board feet and 5.4 million board feet of timber to be salvaged. The figures indicate that only about 10 percent of the mortality or trees that die each year are cut. Those figures also indicate that only about 10 percent of the net growth is cut each year. That means that the forest is accumulating almost 90 million board feet of timber each year. This is untenable in light of the insect infestations which have occurred and are occurring on the Dixie National Forest. It almost seems as if the intent is to grow beetle fodder. The dead and dying trees are adding to the fuel loading at such an alarming rate that a catastrophic fire is imminent. Such a exists not only on the Dixie National Forest but on the Ashley, the Fishlake and the Manti-LaSal as well. The real tragedy is that while these huge amounts of biomass, trees or fuels are accumulating, numerous small sawmills throughout the state are facing shutdowns due to the lack of available timber. The proposed regulation dramatically understates the impact and problems facing the National Forests in Utah and throughout the West.

Forest health

The DEIS states "roadless areas are more likely to contain healthy ecosystems that are better able to respond to natural disturbances like windstorms and fire." This is not necessarily true. Most ecosystems are in a constant process of change, with periodic significant renewal episodes. Such episodes can occur naturally or can be man-caused. Nature does this through fire, severe weather events, or by insects and disease, usually followed by fire. Human intervention with grazing, logging or prescribed fire does the same thing. Many of the current roadless areas referred to as healthy are that way because of their current place in the successional cycle. Some are in the early stages of ecological succession and others are in the very late stages. In the latter case, they are highly susceptible to the significant renewal episodes. Fire suppression by the Forest Service over the past 80 years has created large monocultural forests susceptible to very large catastrophic fires. These monocultures do not provide all the benefits so glowingly described in the DEIS.

From a wildlife perspective, much of the habitat in Utah forests is in poor condition, overaged and trending toward monotypic stands of conifers. The state of Utah believes that the proposed regulation will hinder management programs which otherwise could be directed toward reestablishing forest habitat diversity. The restrictive designations could hinder prescribed burning and timber harvest, both important forest management tools, and thus limit the Forest

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Service's ability to address the problem of reestablishing and maintaining diversity in forest wildlife habitats.

As indicated above, much of the habitat on Forest Service lands is overaged and trending toward monotypic stands of conifers. Over time, aspen forest types naturally succeed into forest types dominated by mature conifers. The national forests have identified the decline of aspen as a problem throughout the Intermountain Region of the U.S. Forest Service and particularly in Utah. A specific example exists on the Dixie National Forest. An analysis procedure called the "Properly Functioning Condition" has concluded that the aspen type on the Dixie National Forest has declined by 65 percent since the early 1900s. Aspen is regenerated by a variety of disturbance regimes. Denying access to aspen groves in order to promote the necessary disturbance will only exacerbate the decline of aspens in the region, allow entire forest landscapes become dominated by conifer, thereby reducing habitat diversity and consequently wildlife species diversity. In Utah, forest canopy diversity is particularly critical to aquatic systems and aquatic species because conifer-dominated watersheds significantly reduce stream flows. Catastrophic fires are also much more likely in monotypic stands of conifers, and the loss of soil following these events is often disastrous to aquatic systems.

Prescribed burns and logging are two proven methods of forest management which promote aspen regeneration. Logging with helicopters is not cost effective in most Utah forests and therefore cannot affect enough forest to significantly improve wildlife habitat. Prescribed burns also benefit from roads, which can be used for access and fire breaks. The state recommends that roads be allowed for the purpose of improving wildlife habitat through prescribed burns and logging activities. Any new roads constructed for such purposes could be closed and reclaimed. Failure to allow such road development will lead to a continued reduction in wildlife habitat quality across the areas covered by the proposed regulation.

The state also believes that a prohibition on building roads may negatively impact forest health. In areas where the forest is at high risk from insects, disease, or fuel loading, we recommend that roads be allowed for purposes of suppressing insect infestation, thinning trees to improve stand vigor, or reducing fuels. Any new roads constructed for such purposes could be closed and reclaimed once the risk(s) to the forest had been addressed. The following is a specific example of the impacts this proposal will have on the Dixie National Forest. The Cedar City Ranger District is currently experiencing a major spruce bark beetle epidemic. Approximately 40,000 acres of Engelmann spruce are already dead or dying. At least 25 million board feet of dead timber lies within inventoried roadless areas. Stumpage values for dead spruce are equal to live trees because of their utility as house logs. The proposed rule would preclude the removal of this material. Not only will the sale value will be lost, the beetle will continue, and the possibility of catastrophic fire grows greater.

The proposed regulation implies that prescribed burning can be utilized to maintain forest at a

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more desirable level of diversity. However, science indicates mechanical treatment is necessary prior to a prescribed burn to obtain the desired results. Any necessary mechanical treatment requires a road for access to areas to be treated. If prescribed burning is attempted without the necessary pretreatment by mechanical means, the objectives of such burning are rarely obtained and the contingency suppression forces required are much greater. Burning without prior treatment is expensive and not without liabilities. In addition, the timing of prescribed burns conflicts with the need for similar resources to control wildfires. Crews, helicopters and certified personnel are most busy during the fire season and, at best, not always readily available for prescribed burning. During severe fire seasons, resources may not be available at all. In several of the past fire seasons, critical shortages have occurred and helicopters, crews and specifically-certified personnel have been unavailable.

The draft EIS suggests that prescribed burning is a viable tool to manage the National Forest rather than using logging operators with machines as a tool to obtain desired stocking levels, desired age distribution and stand composition. At the presently proposed level of burning, the National Forest could never treat the acres for which fire is considered an acceptable alternative to mechanical treatment. Even with accelerated efforts to treat the required number of acres, the resources are not available to perform such a herculean task. In addition, weather is an essential component to successfully conduct a prescribed burn and cooperation is not always forthcoming. Many of the forest types for which fire is prescribed as a management tool require weather conditions or fire conditions that are quite severe. For example, a subalpine fir understory of aspen, aspen with a vegetative understory, decadent pinyon-juniper or stagnant lodgepole pine stands would all require drastic fire conditions for a successful prescribed burn. When weather conditions are such that a burn could be effective, chances are that the resources needed for such a burn are already engaged or needed for wildland fire suppression. The resources needed for prescribed fire are the same resources needed for wildland fire suppression, namely, fire crews, helicopters and certified fire personnel. In 1988, 1994, 1996, 1998 and 1999, orders for resources went unfilled for long periods of time. In short, resources were unavailable for wildland fire suppression, let alone prescribed burning. The feasibility of using scarce resources on prescribed burns when wildfires are being understaffed is almost nil.

The draft preferred alternative indicates support for itself by asserting that roadless areas can serve as refuges for plants and wildlife species. The state appreciates the concern for wildlife demonstrated by this concept, but it is important to recognize that for these refuges to be successful, appropriate wildlife habitat is necessary. If these areas are not managed to maintain habitat diversity, many plant and wildlife species will not occupy these refuges. The state again recommends that roads be allowed for the purpose of maintaining habitat diversity in these refuge areas and that these roads be closed except when used for forest management purposes. Failure to allow such road development will lead to continued reduction in wildlife habitat quality and a reduction in the value of these areas as refuges for a variety of wildlife species.

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We also would like to point out the risks which catastrophic fires could pose for Bonneville and Colorado River cutthroat trout populations inhabiting stream and river courses on national forests in Utah. These two species are the subject of intense interagency conservation efforts through their respective conservation agreements and strategies. To the extent that roadless designation would inhibit fuel management (e.g., by precluding effective timber removal or inhibiting fire management), the risk of catastrophic wildfire would increase. The aftermath of catastrophic fire can dramatically affect watersheds and water courses, as well as the fish and wildlife species which depend on them. We need as much management capability as possible to reduce the risk of catastrophic fire events in the watersheds containing native populations of Bonneville or Colorado River cutthroat trout.

Derogatory Description of Persons Involved in Harvesting Timber

The section of the draft EIS which addresses the social impacts of the proposed rule and its relation to timber harvest is very derogatory in the description of mill workers in timber-dependent communities. The language implies that all mill workers are uneducated, prone to unemployment enrollment, divorce, dysfunctional family situations, live in substandard housing and the communities in which they live are poorly equipped to provide social services and community infrastructure. These comments are totally unnecessary, and are offensive to those who have chosen to make a living working in the timber industry. The language is particularly egregious given the language found throughout the DEIS praising those who believe that the forests should not be harvested. The purpose of the DEIS is to comment on the environmental impacts of the proposed regulation, not to attack or praise the belief systems of any citizen of this country. The Forest Service owes the citizens who work in the timber industry a deep apology for this insulting section of the DEIS.

In some rural communities, the sawmills are the predominant industry and the best opportunity for better jobs at higher pay than otherwise exist in these smaller communities. In numerous cases throughout the state, the mill workers are able to earn a much better wage than any other type of employment in these areas. The draft EIS would further encourage readers to believe that the tourist-recreation industry is much better able to meet the needs of rural communities without the impact of resource utilization industries such as mining, timber harvest or oil and gas production. However, a simple understanding of the tourist industry reveals that many jobs affiliated with that industry are seasonal, minimum wage jobs which usually employ a much more transient population than the timber industry. The DEIS should speak to these facts as well.

Recognition of Water Rights as Valid, Outstanding Rights

By comparing the data on the maps provided by the Forest Service with the state's data base of water rights information, we were able to there are 60 non-Forest Service dams within the areas proposed. They are broken down by their respective forests as follows:

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Ashley	14
Dixie	9
Fishlake	8
Manti-LaSal	8
Uinta	2
Wasatch-Cache	19

Additionally, there are 2,390 non-FS points of diversion, rediversion, and return (which includes the 60 dams previously mentioned) whose head gates, pipelines, canals, and return structures also fall within the areas. They are broken down by their respective forests as follows:

Ashley	468
Caribou	4
Dixie	234
Fishlake	177
Manti-LaSal	332
Sawtooth	29
Uinta	531
Wasatch-Cache	615

These dams and water rights are listed in the attached tables with their associated dam number or water right number from our databases.

While the proposed regulation does have an exemption to the general rule when a "...road is needed pursuant to reserved or outstanding rights..." (294.12-b-3), the state is deeply concerned that valid, existing, state-originated water rights do not fall under this definition. The DEIS only mentions hydrocarbon and mineral rights in its discussion of existing rights, and the supporting specialist report entitled *Analysis Of Effects For Non-Recreation Special Uses Management* asserts that the above mentioned water rights "are not associated with a valid existing right." While some of these water rights predate the establishment of the national forests, most were established afterward and are covered by use permits issued by the Forest Service. These permits were issued, and renewed, in good faith to water right holders whose livelihood depends on the continued exercise of these rights. Under Utah law, a valid water right is classified as real property and entitled to the constitutional protections appurtenant thereto. Furthermore, in the legislation which established the High Uintas Wilderness Area, similar water rights were specifically recognized as valid existing rights and the ability to perform maintenance activities guaranteed. The state engineer is of the opinion that valid, existing, state-originated water rights fall squarely within the definition of "outstanding rights," and the proposed regulation must clearly recognize them.

The dams, head gates, pipelines, and canals (structures) associated with these water rights have

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historically had land access since the time of their construction. The frequency of equipment access has been so low that the necessity for the access is sometimes forgotten. The above referenced specialist report seems to concur with this view, but reaches the erroneous conclusion that "so few non-recreation special uses are likely to be impacted under these alternatives, the economic effects on businesses, individuals or communities will be minimal". We do not consider the effect on 2,390 points of diversion, rediversion, and return to be minimal. To prohibit road reconstruction for maintenance access of equipment to these existing structures in the proposed restrictive areas is contrary to the best interest of the public. When there is a need for access to repair and maintain these structures, the proposed regulation should allow for such, and be amended accordingly. Such a change to the proposed rule would be for the safety of the public, the protection of the outstanding rights of the structure owners, and the protection of the streambeds below the structures. While it is true that some of the smaller structures can be maintained without road access, the larger structures (which pose the greatest danger to public safety) require road access so maintenance can be done in a timely and effective manner. It is better to permit required maintenance activities to occur as needed, rather than to have to hurriedly build a road to deal with "an imminent threat of flood, fire, or other catastrophic event..." as anticipated in 294.12-b-1.

The following is a quote from the May/June issue of the Association of State Dam Safety Officials newsletter. "There is an alarming lack of public support and education about the need for proper maintenance and repair. Dam safety is not a glamorous issue, unless a dam fails. But, it is one that affects the safety of millions of people across the country who could be living and working in the path of a potential dam failure. If dams fail, people can die and property can be destroyed."

If proposed rule is not modified to allow this access, the Forest Service should be prepared to accept the financial liability from any resulting structural failures. Further, if the Forest Service allows these structures to deteriorate to the point where they become useless, the Service should compensate owners for the administrative taking of the water right.

Effects on Mineral Development

The May 2000 Draft Environmental Impact Statement (DEIS) charts a course of action for the National Forests that grossly ignores minerals management potential and the existence of numerous other state and federal statutes and regulations designed to guide the exploitation of natural resources in an environmentally responsible manner. The state is intimately involved in the daily decisions of approving where, how and by whom these mineral commodities are to be discovered and recovered. The DEIS only refers to minerals in the generic sense, connoting both locatable hard rock metallic and nonmetallic minerals as well as all of the other solid minerals such as dimension stone, phosphate rock, potash, and the solid and fluid energy minerals. An important part of the successful quest for these resources is balance in compliance with protection and the opportunity to explore, neither of which is considered in the alternatives

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presented in the DEIS.

Balance among the multiple uses that are possible in the National Forest System lands in Utah is not considered among any of the action alternatives presented in either the procedural or the prohibition categories of the document. The Forest Service must manage within the basic statutory framework of the agency. Unfortunately, the Forest Service does not see the need for balancing uses for the land in the areas under consideration. We do not believe that all uses must occur on every acre of the National Forest System, but do believe that the extraction of mineral resources must be considered in areas not currently protected as wilderness for the simple reason that minerals occur only where they have been deposited by nature, not just in roaded areas.

As an example, at this point in civilization's search for oil and gas resources we are looking for extensions of our knowledge and our available supply to maintain viable sources of these unique commodities. Forestalling the ability to examine and explore for these resources on an additional four million acres in Utah neglects the balance of multiple uses which are possible on the land and will create an increased unacceptable impact on adjacent lands because of more pressure for exploration. In addition, eliminating exploration neglects the need to address the projected demand for resources in the immediate and middle future of the nation as a whole. In a recent report by the National Petroleum Council to the Secretary of Energy, the projected demand for natural gas was placed at 29 trillion cubic feet per year in 2010 and at 31 trillion cubic feet in 2015. When compared to the demand of 22 trillion cubic feet per year in 1998 this is a sizable increase in demand, which is to be faced by all of us as U.S. citizens.

To address this demand and the need for other minerals the state, in cooperation with a score of other agencies including the Forest Service, faces industry's search to meet the demand for minerals with well-based environmental laws that assure many of the protections which are included in the purpose and need portion of the DEIS. The interagency governmental protection which occurs resultant from the collaboration of committed natural and physical sciences professionals provides the needed balance in minerals development. The cost of environmental compliance is weighed when companies are forced to comply with the existing standards of environmental protection. Further, through the spreading of impact we can produce lower pressures of exploration and development on the ground, since impacts are then distributed among all ownerships. This technique makes more opportunities open to companies then allowing them to search in a broader base of area in all of the states, strengthening the search to meet the demand for the nation's minerals.

We see our role in regulating the search for and development of mineral wealth of the state as a pivotal one in guiding mineral exploitation and take that responsibility seriously and professionally. To accomplish the task of development successfully our nation needs to provide to industry the opportunity to search for and recover minerals where they occur but at the same time do it responsibly and in full compliance with all laws.

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In addition to inhibiting mineral and energy production, the proposed rule may have a detrimental affect on the preservation of vertebrate fossils. The DEIS, in a number of the geological discussions, claims that a lack of additional roads prevents destruction through vandalism. This is true, but it also stifles efforts to locate, understand, remove, and preserve fossils which may otherwise decay and be lost forever if simply left to rot on the forest floor or in the near-surface.

There are a number of places where the proposed regulation may have a direct impact on development. One proposed area having high development potential for coal is T. 14 and 15 S, R. 6 and 7 E., lying primarily under Candland Mountain. This northern Wasatch Plateau coalfield was recently studied by the Utah Geological Survey (UGS Circular 100, 1999), and a significant portion of the proposed area was found to be underlain by two coal beds of mineable thickness, the Blind Canyon and Wattis. The minable portions of these two beds range from 4 to 14 feet thick and contain in-place coal resources of about 150 million tons. A small coal mine, the Larsen and Rigby, was active from 1937 to 1970 at the far north end of the proposed area and produced about 150,000 tons for use by residents in the Sanpete Valley. Currently active coal mines lie directly north and south of the proposed area and could look to this area for future resource needs. This area is attractive for development because the coal can be reached from the surface along an outcrop. At present, coal in the Candland Mountain area is known mainly from its exposures along the outcrop and no drill hole data exist. Restricting future road building would severely hamper future exploration and development of coal in this area, which is one of the few large, undeveloped tracts left in the northern Wasatch Plateau coalfield.

Two proposed areas in T. 19 S., R. 5 E. have moderate coal development potential. These two tracts bracket Wagon Road Ridge to the north and south and are somewhat removed from the nearest outcrops of coal along Ferron Canyon in T. 20 S., R. 5 E. The coal under these tracts is at minable depths of about 1,500 to 3,000 feet according to Doelling's 1972 map. The exposures of coal along Ferron Canyon to the south show a bed called the Hiawatha ranging in thickness from 3 to 7 feet thick. Drilling a mile or more to the north, south, and west of the exposures along Ferron Canyon indicates that this bed continues to exist over a wider area and ranges from 3 to 15 feet thick. The Wagon Road Ridge south area does not appear to contain any existing roads according to recent topographic maps and probably would not hinder future coal development if set aside as roadless. However, the Wagon Road Ridge north area is essentially a ½-mile-wide corridor that already contains an existing 2-mile-long road that extends from the campground near Petes Hole Reservoir on the west, halfway to Josephite Point on the east. This area is not roadless and closure of this road could hinder exploration and development of the coal resources to the north of Ferron Canyon. The Ferron Canyon coal resource is only 20 miles from the coal-fired Hunter Power Plant near Castledale, Utah and could be a potential future fuel supply in the next 20 to 50 years.

The proposed area primarily in T. 16 S., R 5 E. surrounds Black Canyon and overlies coal

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deposits at depths of about 500 to 3,000 feet that have moderate development potential. Only the upper 400 feet of the Blackhawk is exposed near the eastern margin of this area and the lower coal-bearing half is not exposed. In 1954, a road was constructed in this area and an oil and gas test well was drilled in section 23, T 16 S., R 5 E.; the geophysical log for this well indicates a possible thick coal at a depth of about 2,310 feet. Unfortunately, the 1954-vintage electric log does not allow definitive discrimination of coalbeds, and the occurrence of coal in this area can only be inferred. This area is within 20 to 30 miles of both the Hunter and Huntington coal-fired power plants and could be considered a future coal supply for them in the next 20 to 50 years. Closure of this area to new road building would make future coal development very difficult, if not impossible.

Other specific resources such as phosphate and high-calcium limestone could be affected. The proposed designation of a large number of areas around the current Uinta Mountains wilderness area will inhibit development of both phosphate and high-calcium limestone resources there. Outcrops of the 10- to 90-foot-thick Meade Peak Phosphatic Shale Tongue of the Park City (Phosphoria) Formation are exposed along almost the entire circumference of the Uinta Mountains. The phosphate-bearing tongue is within proposed areas in the following land tracts: T.2N., R.19-20E.; T.1N., R.8-9E.; and T.4S., R.9-13E. The development potential of the phosphate in these tracts is moderate based on the existence of the S.F. Phosphates mine at Little Brush Creek north of Vernal, the proposed new Archer Phosphate mine, and the fact that competing Florida phosphate production will decline in the future.

High-calcium limestone is contained in outcrops of the Mississippian Madison Limestone, which also ring the Uinta Mountains. Madison limestone crops out in the proposed roadless areas in the following land tracts: T.2N., R.19E.; T.1N., R.9E.; T.3S., R.9-17W. The 600-foot-thick Madison Limestone is currently mined at the DG&T quarry in northernmost Uintah County. The limestone which is produced is shipped south to Deseret Generation & Transmission's coal-fired Bonanza power plant for use in flue-gas desulfurization.

Maps of these coal and limestone areas are attached. We note that some of these areas appear within the areas the proposed regulation advertises as "no road building currently allowed. But, as discussed above for the Manti-La Sal, the current forest plan contains no such restrictions, and the state legitimately questions whether any of the other forest plans do either. In any event, if the Forest Service was to honor its required multiple-use mandate, areas which were reinventoried for roadless character would have the need for other multiple-uses weighed against wilderness in the forest planning process. This option is being precluded by the current ill-advised effort.

School Trust Lands

Since the early days of Utah statehood, state school trust lands – most in the form of scattered

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one square mile sections – have been in held within lands managed by the Forest Service. During much of this time, restrictions on access to these trust lands and on the use of surrounding forest lands imposed by the Forest Service impeded the economic development of the trust lands, in violation of the purpose for which Congress granted the lands to Utah in the first place. The state trust lands inholdings issue was a continuing source of dispute between the State of Utah and the Forest Service for many years.

The 105th Congress enacted legislation, Public Law 105-335, that provided for the exchange of the great majority of state school trust lands within Utah's national forests to the Forest Service. In this exchange, Utah conveyed to the Forest Service over 70,000 acres of state surface lands, plus additional mineral estate, within national Forest Service boundaries, including exceptionally scenic and nationally significant areas such as the Franklin Basin/Mt. Magog area in the Wasatch-Cache National Forest.

In exchange for the lands conveyed to the Forest Service, and for school trust lands in other environmentally sensitive areas such as Arches National Park and the Grand Staircase-Escalante National Monument, the State of Utah received approximately 20,000 acres of federal coal estate underlying the Manti-La Sal National Forest. Congress approved this conveyance with the express understanding that the coal lands would be developed by the State to compensate Utah's trust lands beneficiaries for the environmentally-sensitive lands that the State gave up to the Forest Service and Department of the Interior in the P.L. 105-335 exchange. Revenues from these coal lands are specifically earmarked for the Utah Permanent School Fund and the Utah School for the Blind.

Both the Forest Service and the Trust Lands Administration worked hard to accomplish this exchange, and we appreciated your agency's assistance and efforts in bringing it to finality. However, the Trust Lands Administration and its educational beneficiaries are concerned that the proposed regulation could cause it to partially lose the benefits of the lands offered by the United States in the P.L. 105-335 exchange.

The proposed regulation must reflect the following:

P.L. 105-335 Lands Should Be Exempted from the Proposed Rulemaking.

Certain portions of the coal estate acquired by the State of Utah in the P.L. 105-335 exchange underly areas in the National Forest System apparently within the areas subject to the proposed regulation. As stated above, the proposed regulation indicates that new or reconstructed roads are prohibited in inventoried roadless areas, subject to valid existing rights. Also, the second part of the proposed regulation may prohibit activities within yet to be determined unroaded areas. In either case, and even if the Trust Lands valid existing rights are taken into account, such alternatives could have a significantly negative impact upon the economic viability of these coal

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deposits.

All coal to be mined from these lands will be mined by underground methods; however, road construction and other surface disturbance may be necessary for exploration drilling, ventilation shafts, portal access and construction, and various other ancillary facilities. Surface disturbance can also be expected from subsidence effects at the time of mining. All of these disturbances will be fully reclaimed at the end of mine life, but in the interim are a necessary adjunct to coal development.

The proposed regulation does not clearly make an exemption for these coal rights, nor any others that may be needed in order to fulfill the intent of the legislated exchange. The language referencing "outstanding" rights is not clear enough. The Trust Lands Administration believes that the Forest Service should specifically exempt the surface estate of P.L. 105-335 lands from the proposed regulation because of the special circumstances attendant to the P.L. 105-335 exchange.

In P.L. 105-335, Congress specifically referenced the United States' agreement that the lands being acquired by the State could be developed consistently with established Federal land and environmental management objectives. P.L. 105-335, § 2. At closing of the exchange, on January 5, 1999, Deputy Undersecretary of the U.S. Department of Agriculture for Natural Resources and Environment Anne Keys Kennedy, on behalf of the USDA Forest Service, entered into a Memorandum of Understanding with the Trust Lands Administration, agreeing: (1) that in permitting surface occupancy of the subject National Forest Service lands for mining purposes, the Forest Service would abide by the Manti La Sal National Forest Land and Resource Management Plan in effect on May 8, 1998; and (2) that, subject to reasonable terms for forest protection consistent with that plan, reasonable economic development of the conveyed coal estates would not be prohibited.

The Trust Lands Administration does not object to reasonable Forest Service regulation of surface impacts in general, and its staff has worked extensively with Manti La Sal National Forest Staff in the NEPA process concerning these tracts to ensure a high level of environmental protection during the mining process. However, any proposed rule that could prohibit, limit or delay roadbuilding or other surface disturbances reasonably incident to coal exploration and mining on the P.L. 105-335 tracts would contradict the express written agreement of the Forest Service with respect to the P.L. 105-335 lands, as well as the specific intent of the parties, as recognized by Congress in P.L. 105-335. This intent was that the subject coal tracts be available for mining, subject to reasonable environmental requirements then in place, as compensation for the valuable lands that the State was conveying to the Forest Service and the Department of the Interior. For this reason, the proposed regulation should specifically exempt lands in which the State of Utah owns P.L. 105-335 coal estate.

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The Rulemaking Should Recognize that Existing Law Provides a Right of Reasonable Access Across Public Lands To Access State Trust Lands, Even If Such Access Requires New Road Construction.

Federal case law that is binding in the State of Utah provides a right of access across federal lands if necessary for the economic development of state school trust lands, even if the intervening federal lands are being managed for wilderness study or other restrictive purposes. In Utah v. Andrus, 486 F. Supp. 995 (D. Utah 1979), the U.S. District Court for the District of Utah held that, because it was the intent of Congress that state school trust lands be developed to raise revenue for public education, the Bureau of Land Management could not restrict construction of reasonable road access across BLM wilderness study areas if the restriction would render the state lands incapable of full economic development. In addition to this authority (applicable by its logic to road access to state trust inholdings in National Forests), the Trust Lands Administration is entitled to road access to inheld trust lands by virtue of the Alaska National Interest Lands Act, 16 U.S.C. § 3210(a), and may also be entitled to road access in specific situations by the common law doctrine of easements by necessity and by federal Revised Statute 2477.

In addition to the coal estate acquired in P.L. 105-335, the Trust Lands Administration continues to manage approximately 15,000 acres of school trust lands in Utah that lie within National Forest System boundaries. Most of these lands are in the form of scattered 640 acre sections surrounded by NFS lands. The proposed rule should clearly recognize that existing law provides the State with a right of reasonable road access to all of these state trust lands, even if construction and/or upgrade of such access would be inconsistent with maintaining the surrounding forest lands in a roadless condition. Again, the proposed regulation's language referencing "outstanding" rights does not adequately reflect these opportunities.

Roadless Area Protection Should Not "Trump" Mineral Leasing Where Known Mineral Potential Is High.

As noted above, the Trust Lands Administration retained approximately 15,000 acres of school trust lands within NFS boundaries even after the P.L. 105-335 exchange. The majority of these sections are within the Wasatch-Cache National Forest, in an area – the Overthrust Belt – known to have extremely high potential for oil and gas exploration and development. Because effective development of oil and gas potential typically requires substantial acreage, in order for the inheld trust lands to be fully developed for oil and gas in accordance with the State's trust mandate, surrounding NFS lands must also be available for leasing. In areas such as this one, where known mineral potential is high and demonstrable, the proposed rule should provide for continued availability of such lands for leasing, notwithstanding their roadless character.

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Specific Comments About the Draft EIS:

Division of Forestry, Fire, and State Lands

In addition to the comments above, the Division specifically comments as follows:

Page 3-12, last paragraph, *"Many national forests have shifted their timber harvest emphasis from using commodity-purpose timber sales to achieve vegetation management objectives, which are made primarily to supply timber to meet the national demand for raw wood products, to using stewardship-purpose timber sales."*

The latter part of this paragraph goes on to detail how the number of stewardship sales has increased. However, in the state of Utah, an attempt to implement a stewardship sale on the Fishlake National Forest was disallowed by the Washington office of the Forest Service and little evidence exists that any stewardship sales were made anywhere else.

Page 3-13, last paragraph, *"However, some roads are built using congressionally appropriated dollars. Examples include roads for recreation, administrative access, and ecosystem restoration."*

In the state of Utah, no roads have been built for ecosystem restoration. All projects for ecosystem restoration have used existing roads or roads built for some other purpose, usually roads constructed for timber removal.

Page 3-42, last paragraph, *"The roughly 75% reductions in roading and timber offer may, over the long term, limit the number of acres treated to reduce hazardous fuels. Any large fire that results from the inability to treat fuels could affect on-site and downstream soil, water and air resources."*

We concur strongly with this statement and, further, expand that statement to say that any action to specifically implement a situation that causes harm to downstream soil, water or air resources may very well incur a legal liability.

Page 3-43, Alternative 4, *"Cumulative Effects: This alternative poses additional considerable effects over Alternatives 2 and 3. Primarily, the effects would be increased long-term damage to soil, water, and air resources on-site and downstream. The increased likelihood of harm to human safety and property in the expanding wildland-urban interface are of particular concern."*

Again, we concur and again expand the statement to address the concern anywhere private or state land is contiguous to National Forest land. Increased likelihood of harm to human safety and property should be a compelling reason to not implement such an alternative.

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Page 3-55, paragraph 2, *"...While there are many examples of successful fuel reduction efforts in individual forest stands, it has not been shown that large-scale treatment of fuels can effectively restore natural fire regimes and conditions."*

At first glance, this statement seems harmless enough, drawing upon broad generalizations without due consideration for current literature and scientific data that suggests otherwise. It is presumptive to assume that large-scale fuels treatments do not effectively restore natural fire regimes and conditions. More appropriately, the methodologies and techniques that have been developed simply haven't been applied beyond a scale much larger than a few hundred acres. Opportunities demonstrating the effects of large-scale restoration treatments have presented themselves. However, the lack of progress towards implementing these activities has been confounded/hindered by a number of factors which are largely centered around agency bureaucratic processes and budgetary constraints, litigation and appeals processes and undeveloped markets for small-diameter and other non-traditional forest products. Given the opportunity for success, forest restoration, maintenance and risk reduction (fire, insects, diseases, etc.) through sustainable forest management initiatives provides a means to perhaps resolve this current dilemma.

For example, ponderosa pine ecosystems are a noteworthy subject, and offer the following points to illustrate the current situation. Characterized by long-term fire exclusion, heavy grazing and high-grade logging in the past, ponderosa pine forests are dangerously susceptible to insect and disease outbreaks as well as catastrophic wildfire. These conditions present a heightened risk in the wildland-urban interface where values-at-risk from wildfire increasingly include human life and property.

There is growing agreement among scientists, conservationists, community leaders, and public land managers that a combination of treatments, including selective thinning and reintroduction of periodic, low-level fire is needed to restore these forests to properly functioning ecosystems.

Despite the need to reduce both environmental and economic risks, neither public agencies nor local communities can afford to restore these forests on their own. At least part of the cost for removing small-diameter material must come from the purchase, processing, and resale of the material by local industries. Unfortunately, the low-impact, restoration-based harvesting techniques needed for these projects are currently too costly to be economically viable for most local operators. Like many rural, Western communities, serious economic downturns as a result of drastic reductions in federal timber supply has caused many local mills to close their doors. Remaining businesses continuing to struggle and do not have the capital, technology or marketing skills necessary to successfully process the small-diameter timber which is available from forests.

Page 3-55, paragraph 4, *"Cumulative Effects: "All of the action alternatives would result in*

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measurable cumulative beneficial effects relative to the amount of protected lands...

What are the beneficial outputs, in quantifiable measures, that outweigh the impending risk of catastrophic, stand-replacing fire, insects and disease epidemics, escalating consumer demand for wood fiber and the loss to rural communities dependant on the forest products industry for their livelihoods? In what sense and by what criteria have these risks been measured against? The Forest Service must answer these questions, not just make unsupported statements.

Page 3-97, paragraph 5, "*Concerns about wildland fire and insect and disease are addressed together under the heading of forest health because these issues overlap on approximately 716,000 acres of NFS lands, as shown in Table 3-18. These areas are extremely important because expected tree mortality over the next 15 years will heighten the current high risk of catastrophic fire.*"

With the expectation that tree mortality will increase over the next 15 years due to unfavorable forest conditions and the impending likelihood of catastrophic wildfire threatening, sprawling urban interface areas, human lives and property and other values-at-risk continuing to grow unabated, wouldn't it be a wise and prudent move to treat these areas prior to these events occurring, rather than making them unavailable for use? With the current shift in management emphasis being placed on ecosystem restoration, as opposed to commodity-based outputs, it seems logical and in the best interest of the Nation that improving or maintaining ecosystem health (i.e., process and function) utilizing the concepts of sustainability, stewardship and collaborative efforts is vital. From its' own admission, the DEIS states, "*The recent trend of increased fire suppression costs will continue as average fire size and frequency of occurrence also increase.*" "*Insect infestation and disease epidemics will continue to be a problem on NFS lands...as these trees are killed, the potential of losing large stands of trees in these areas to catastrophic fire will increase. To prevent or mitigate this problem, mechanical thinning will be needed to bring many high-risk forests back to a healthy condition.*" Clearly, making these areas unavailable for use and denying mitigation measures necessary to preclude these events from occurring is contradictory in nature from the current philosophy of ecosystem restoration.

Page 3-104, table 3-20, *Inventoried Roadless Areas at Moderate to High Risk from Catastrophic Fire Potentially Needing Treatment.*

The table indicates that, in the inventoried roadless areas of National Forest land in Utah, 1,364,000 acres need to be treated of the total 1,498,000 acres at high risk. One may very well wonder how this large amount of acreage is to be treated without a road system to provide access. How does the Forest Service plan to accomplish the treatment of this large area?

Page 3-106, paragraph 5, "*The total acreage that could be potentially treated by stewardship timber harvest for fuel management objectives over the next 5 years is 14,000 acres.... The total*

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acres needing treatment compared to the acres actually being treated are so small that a direct effect cannot be established."

If the amount of area needing treatment is so large (see comment above and p. 3-104, table 3-20) and the possibility or practicality of stewardship timber harvest on such a small acreage that an impact cannot even be established, why is this even considered a viable alternative?

Page 3-107, paragraph 4, "*Cumulative Effects: There are no known cumulative effects for Alternatives 1-3. In time, however, with Alternative 4, incremental negative effects could begin to occur as fuels in forests affected by insects, disease, windthrow, dense over-stocking of sapling trees or trees killed by wildfire are allowed to accumulate to hazardous levels. More catastrophic forest fires would begin occurring in these forests potentially affecting such key ecosystem attributes as water quality and threatened and endangered species.*"

In fact, these conditions are already beginning to occur in the inventoried roadless areas. Tables in the preceding section testify to the amount of areas needing treatment at the present time. Those conditions will only become more intensified as time progresses. A road system needs to be developed before a need for treatment occurs, not after. The paragraph seems to indicate that the alternative 4 is not a valid alternative. Why was it included?

Page 3-157, paragraph 2, "*Areas that are more highly roaded actually have a higher potential for catastrophic wildfires than inventoried roadless areas. Other national assessments have arrived at the same conclusions. "Wildland areas with complex terrain or a moderate or high road density have a moderate or higher risk of wildfires," noted the authors of the Status of the Interior Columbia Basin: Summary of Scientific Findings (USDA 1996b).*"

The first two statements of this paragraph reach an erroneous conclusion based on the included quote. That quote states that a moderate or higher risk of wildfires exists in areas of higher road density or complex terrain. It does not identify that a higher potential exists for catastrophic wildfires exists. Similar conclusions are made throughout the document in faulty interpretation of facts or statement. The faulty rationale of such statements weakens the argument for the preferred alternative and questions the credibility and logic of other conclusions based on cited scientific documents.

Page 3-186, paragraph 1, "*A national prohibition on road construction in inventoried roadless areas would affect about 530 direct jobs associated with timber harvest nationwide; about 930 total jobs would be affected nationwide.*"

The most stringent action alternative suggests 24.0 MMBF (table 3-43, page 3-187) would be affected specific to the Intermountain Region. It goes on to suggest that 249 total jobs would be impacted by this alternative. Region 4 would suffer the largest impacts in the lower 48 states.

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The figures presented in the DEIS significantly underestimate the magnitude and scope of the proposed action.

We offer the following as supporting evidence that the impacts would, indeed, be much greater than the proposed rule suggests. In 1992, there were 51 active timber processing plants operating in Utah alone. Thirty-four were sawmills, 13 were house log manufacturers, 3 were post/pole manufacturers and one was engaged principally in the manufacture of roundwood furniture. In all, these timber processing plants produced in excess of 64.6 MMBF of lumber and other forest products. The timber products industry provided 517 full-time jobs and contributed \$27.4 million to state and local economies. In 1997, the timber products industry provided 477 full-time jobs contributing an estimated \$29 million to state and local economies. Primary and secondary manufacturing combined accounted for \$243 million in Utah.

Sources: Utah's Forest Products Industry: A Descriptive Analysis, 1992
Utah and Nevada Wood Industry Directory, 1997

Figures indicating harvest by ownership show a decline in the level of timber being removed from NFS lands as opposed to non industrial private forest (NIPF) lands. The following table illustrates:

% Harvest by Ownership - Utah			
Ownership	1992	1997	1998
Federal Land (all)	83%	65.4%	39.5%
NIPF Lands	17%	34.6%	60.5%
Total	100%	100%	100%

Equally as important is the flow of timber from these different ownerships. The following table illustrates:

Volume Harvest by Ownership - Utah (figures in MMBF)			
Ownership	1992	1997	1998
Federal Land (all)	53.9	37.9	26.4
NIPF Lands	10.7	20.1	40.5
Total	64.6	58.0	67.0

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Sources: Utah's Forest Products Industry: A Descriptive Analysis, 1992
Western Wood Products Association: Statistical Yearbook of the Western Lumber Industry, 1997 & 1998

The wood products industry is an important contributor to the economy of the state of Utah. Industry provides jobs, income and a sense of attachment and identity to the communities in which people live. Most of these entities are usually located near the resource base and occur in rural areas of the state.

While total U.S. wood consumption is likely to be unaffected by the reduction in total NFS volume, there is clearly an already existing "transfer effect" to other ownerships within the U.S. and from other countries which is directly related to the decline in timber outputs from NFS lands. In the past, mill owners and operators relied heavily on NFS timber. As timber outputs have declined in recent years from NFS lands, operators began seeking raw materials from other sources in an effort to sustain their businesses. Harvesting from private lands is increasing at a rapid rate beyond which is most likely unsustainable. In 1998, nearly 61% of the timber harvested in Utah originated from NIPF lands. NIPF lands make up approximately 20% of the commercial forest land base in Utah. This trend is expected to continue.

These figures suggest the negative impacts associated with the proposed rule would be far greater than portrayed in the DEIS.

Page 3-187, paragraph 2, "The estimated economic impacts do not account for any potential substitute harvest from other ownerships or substitute job opportunities. The potential for substitute harvest can be estimated using U.S. harvest trends by region and ownership These data indicate there is some potential for substitution in those regions, although these opportunities probably occur primarily in Regions 1, 4, 5, and 6."

These figures are misleading and grossly over estimate the ability of other ownerships to provide lasting substitute harvest volumes. In Utah, the amount of timber harvested from private land increased from 17 percent in 1993 to 60 percent in 1998. That draw on the limited timber resource of private land is expected to completely drain the available timber from that source in 3 to 5 years. The timber base or growing stock will be unavailable for any harvest of significant timber amounts for a period of 60 to 85 years. In effect, the substitute harvest is mining the timber on private land in the state of Utah.

Page 3-188, paragraph 2, "The quantified effects only look forward through the next 5 years of planned offer. The effects of the associated harvest are assumed to occur in the same period but may occur beyond those 5 years, since harvest may take place up to 4 years after sales are made. The longer-term effect on timber availability is also important to consider. Some national forests that did not plan to enter inventoried roadless areas in the next 5 years may plan to enter those

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areas in the longer term."

Since any entry into an inventoried roadless area would be prohibited under the proposed alternative, that would further reduce the amount of timber to be offered for sale and exacerbate the economic impact of the roadless designation.

Page 3-189, paragraph 1, *"The reductions in NFS harvest resulting from the prohibitions are not likely to affect timber prices. Therefore, alternatives 2 to 4 should not affect consumers. Total wood consumption would likely be unaffected by the reduction in total NFS volume."*

This is contrary to basic economics. Any change to the supply side also affects the price unless there is some change in demand. The statement recognizes a reduction in supply and no change to demand, yet suggests prices will not be affected. Basic economics suggest otherwise.

Page 3-190, *"Regardless of the level of personal investment in the timber industry individuals employed there may have, all can be expected to experience the negative psychological effects of uncertainty regarding forest management, and how it will affect their lives and livelihoods. If Forest Service timber management policies are consistent and reliable, and local communities know what they can expect from the Forest Service, they can adjust, whatever the circumstances. However, if timber management policy keeps changing, people do not know what to expect, and this uncertainty can lead to frustration, a sense of helplessness, economic instability, and a host of other problems resulting in reduced quality of life (FEMAT 1993)."*

Any of the national prohibitions implemented would presumably reduce this uncertainty with regard to inventoried roadless areas by making clear what the long-term policy for their management would be, and making timber harvest levels there more predictable."

These statements are truly off-the-wall. Not only do they not reflect a true understanding of human nature, but they reflect an agency which has no control over its own destiny. It is not legal or proper for the agency to manage its resources by simply dropping the ball and saying, "Timber harvests are too hard, too many people appeal, let's not do them anymore." The agency's reasoning here is specious, and should be dropped.

Page 3-191, paragraph 5, *"Changes in timber prices, technology change, trade policy, or other economic factors will have a larger impact on jobs than actions taken by the Forest Service."*

That may or may not be the case, but this DEIS is not intended or expected to analyze the other issues mentioned in this statement. The DEIS should also speak to the legal duties of the Forest Service to engage in the timber industry, not hide behind the world economy. The entire section dealing with the social consequences is offensive, objectionable and illogical.

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Page 3-197-8, last paragraph, *"Roads to access timber sales are most likely to be local roads."*

That is not necessarily the case. Roads to access timber are usually a combination of local roads, temporary roads and higher class roads. As a road network expands, it does so with a long-term need identified so that the proper class of road is constructed at the appropriate point of any project. To say that most roads are local roads is a ploy to justify the reduced impact to jobs which is then described in the document.

Page 3-200, paragraph 3, *"The effects on agency costs from prohibitions are expected to be minor.The costs of fire suppression are not likely to increase because of road prohibitions. Roads needed for fire suppression for public health and safety would be exempt from the prohibitions."*

Costs of fire suppression would very likely increase significantly. Fuels are presently increasing in amounts and size in these roadless areas. The opportunity to build roads needed for fire suppression cannot be delayed until a fire occurs. Roads must be in place prior to the occurrence of a fire. Without access provided by roads, fire suppression becomes much more complicated and expensive. In addition, increased use of aircraft to suppress wildland fires increases the risk to firefighters.

Page 3-200, last paragraph, *"The national prohibitions are expected to remove some of the controversy over roadless area management from forest and project level planning. All alternatives would remove the controversy over road construction and reconstruction in roadless areas, while Alternatives 3 and 4 would remove controversy over timber harvesting in these areas. This may reduce the number of future appeals and litigation at the forest level, which would reduce agency costs."*

On the contrary, adoption of the proposed regulation will only begin the controversy. The Forest Service cannot identify the exact boundaries of the inventoried roadless areas with any degree of certainty. The boundaries of areas identified as inventoried roadless areas under the RARE II process have changed significantly since that process occurred. Without an area by area analysis the uncertainty and consequent litigation will increase multiple times over the present level.

Page 3-221, paragraphs 4 & 5, *"Region 4: This region will experience the second largest reductions in timber related direct jobs."*

The paragraphs go on to state the perceived loss of jobs which will be caused by the proposed regulation. The impact is dramatically understated. For example, the Ashley, Boise, Targhee and Wasatch Cache National Forests are identified as only having four jobs affected by Alternative 2. Yet Table 3-54 specifies that 7.24 MM Board Feet of timber will not be cut. The impact of a reduction of 7.24 MM Board Feet of timber is much more than 4 jobs. Harvesting, transporting,

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milling and subsequent delivery of 7.24 MM board feet would require about thirty or more directly-employed employees. Indirect employment would add to that number. The impact of Alternative 4 is similarly downplayed. The paragraph suggests that only 112 jobs in two states would be affected and 2 communities. In Utah alone, the communities adversely affected would include Beaver, Sigurd, Old LaSal, Gunnison, Kamas, Wellington, Escalante, Panguitch, Hyrum, LaPoint and Fairview. The loss of jobs would be more in the order of 250 jobs.

Page 3-240, paragraph 1, "*The Forest Service recognizes that this proposed roadless area rule together with the other proposed rules might have a cumulative impact in final form.*"

That is the understatement of the year! The cumulative impact of all three proposed rules will be devastating to the timber industry of the United States, at least in the West, increase dependence on imported lumber and increase the trees cut in the rain forests of the world. "Might have a cumulative impact" is a statement that is further amplified in paragraph 3, page 3-243 which states, "This reduction in the timber program would have continued social and economic effects in some dependent communities (see Dependent Communities section, Chapter 3). Because a reduction in timber demand is not expected, further reduction in the agency's timber program would see off-site adverse effects caused by increased substitution of timber harvest to private or foreign lands to offset this reduction (see Economic Effects, Chapter 3)." That statement corroborates the concern stated above.

Page 3-242, paragraph 5, "*If implemented, the proposed prohibition (Alternative 2) would maintain long-term productivity by reducing loss caused by road construction to watersheds, soils, critical habitat, and dispersed recreation activities in inventoried roadless areas when compared to the no action alternative (Alternative 1,A,T1). The alternative prohibitions (Alternatives 3 and 4) would further maintain the long-term productivity of these resources by reducing effects caused by timber harvesting.*"

Page 3-245, paragraph 2, "*If implemented, the proposed prohibition on road construction would reduce road-caused irreversible and irretrievable commitments to watersheds, soils, critical habitat, and dispersed re-creation activities in inventoried roadless areas on NFS lands compared to potential rearing effects under the No Action Alternative.*"

These statements are contrary to the statements on page 3-43, paragraphs 2- 4, which state that Alternative 3 would increase the long term risks associated with large and damaging fires. On page 3-43, paragraph 3 states that Alternative 4 would lead to an increased incidence of large, damaging wildfires, and their related effects on soil, water, and air resources and threats to human safety and property. Paragraph 4 states that This alternative (4) poses additional considerable effects over Alternatives 2 and 3. Primarily, the effects would be increased long-term damage to soil, water, and air resources on-site and downstream. The increased likelihood of harm to human safety and property in the expanding wildland-urban interface are of particular

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concern. The draft EIS offers conflicting testimony about the effects of roads, the increased likelihood of large fires and the likelihood of harm to human safety and property. The liability of selecting an alternative with those risks identified beforehand seems to predispose the Forest Service to any claim resulting from damage caused by the implementation of the preferred alternative or, more particularly, alternative 4.

Page 4-2, paragraph 3, "*A large number of interest groups have engaged in the roadless dialogue; particularly members of the environmental and off-highway vehicle communities.*"

The Federal Advisory Committee Act of 1972 identifies the constraints and manner in which the Federal Government may consult with parties affected by government actions. The legality of the manner in which the proposed rule was formed and drafted must be questioned. It would seem, based on documentation obtained by the U.S. Senate, that consultations did occur outside the requirements of FACA.

Division of Parks and Recreation

More than 4,000,000 acres, or 50 percent of all the National Forest lands in Utah, are included in the roadless inventory. They are exclusively set aside for dispersed recreation. If the 868,000 roadless acres in currently designated lands such as wilderness are included, the total becomes nearly 5,000,000 acres or 61 percent. It is difficult to say with certainty what the outcome of local planning processes might be concerning the potential allocations to each of the dispersed recreation categories of primitive, semi-primitive non-motorized and semi-primitive motorized. If these allocations could truly be negotiated at the local level, much more satisfactory decisions could be made.

The prohibition against new construction or reconstruction of roads will eliminate the use of these lands to meet future demand for developed site recreation such as camping and picnicking. This will create additional pressures to expand or develop these kinds of sites on the remaining lands of all ownerships, including state parks. It is not known whether there are lands within the inventoried roadless areas suitable for this use. But, if there are, the total acreage affected would probably be a very small in comparison to the total area of the roadless inventory and would not significantly detract from the purposes of the initiative. These lands could play a vital role in meeting this future need. Eliminating this possibility seems short sighted.

The need for this initiative seems weak. There are already 33,998,000 acres of National Forest in the lower 48 states designated as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers and National Monuments. There are an additional 8,353,000 acres in Alaska for a total of 42,351,000 acres. Road building and reconstruction are prohibited on the vast majority of these acres. If we add the 54,000,000 acres of inventoried roadless areas, the total is 96,351,000 acres, or nearly one-half of all National Forest land. This seems to be an overkill of lands allocated for

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dispersed recreation, most of which will ultimately be non-motorized. This is a significant change for a system of National Forests originally reserved from the public domain to produce timber and water and later changed to be managed under a multiple use concept.

The effects of future road building do not significantly impact the total acreage. The DEIS states that under the No Action alternative there would be approximately 300 miles of new road built in inventoried roadless areas over the next five years. If we assumed each mile would affect 5,000 acres, this would mean 25,000 acres would be affected during this period. This is less than 1% percent of the 54,000,000 acres inventoried.

The maintenance costs of these new roads also seem insignificant. If they built 60 miles per year and the maintenance cost was \$1,500 per mile, the total cost would be \$90,000. This is less than two tenths of 1% of the total annual Forest Service road maintenance budget of \$565,000,000.

There is an assumption built into the analysis that all roads are bad, based on some problems caused by the current road system. Many of the old roads built during the last 50 years do cause resource problems as measured by today's standards. However, with today's science and the stringent requirements of NEPA, it is doubtful any such roads would be built in the future. Therefore, the projected impacts of new road construction are exaggerated.

Division of Wildlife Resources

In addition to the comments offered above, the Division comments as follows:

The UDWR is concerned that the Grandview Trailhead, in the Duchesne District of the Ashley National Forest, is included in an IRA. The Grandview Trailhead provides the only easy access to the Granddaddy Basin area of the High Uintas Wilderness. Because the Granddaddy Basin provides a variety of recreational opportunities to numerous users, the UDWR recommends that the Grandview Trailhead be maintained and remain open to motor vehicles.

UDWR has identified a number of UDWR-owned dams as well as water rights with points-of-diversion located within IRAs. Maintenance and operation of these respective water developments requires some road access, which would be inhibited through roadless designation. These site-specific water rights and dams are identified in the following table:

Water Right (Point-of-Diversion) or Dam	National Forest	Comments
35-129 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8869 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery

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Water Right (Point-of-Diversion) or Dam	National Forest	Comments
35-8874 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8887 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
35-8901 (Cedar Gulch)	Wasatch-Cache	Kamas State Fish Hatchery
65-2430 (New Canyon)	Manti-La Sal	
95-445 (Bowns Reservoir)	Dixie	
65-2429 (Deep Lake)	Manti-La Sal	
65-2429 (Shingle Mill)	Manti-La Sal	
UT00086 (Deep Lake / Sanpete Co.)	Manti-La Sal	dam
UT00297 (Tamarack Lake)	Ashley	dam
UT00195 (Manning Meadow)	Fishlake	dam

Division of Water Rights

In addition to those above, the Division of Water Rights comments as follows:
(These comments based on the shapes of the polygons on the Service supplied maps. Again the state is not sure of the exact boundaries of the areas proposed for restrictive management.)

Eastern Region

Duchesne County Upper Country Water Improvement District delivers water to a large portion of Duchesne County. Their source of supply is Cow Canyon Springs which is located in the IRA but near the border. The associated water right numbers are 43-3030 and 43-10445.

Moon Lake Electric provides power to rural users in Colorado and Utah. They have a diversion dam on the Yellowstone River which is located in the IRA, but near the border. The water right number is 43-3239 for 66.22 cfs.

Farnsworth Canal and Reservoir Company, and Moon Lake Water Users deliver irrigation water through the Farnsworth Canal to 7,804 acres of land. The diversion structure and some of the canal is in the IRA but near the border. Water right numbers associated with this diversion include 43-1718, 43-1719, and 43-2532.

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The US Bureau of Reclamation diverts 621 cfs of water from the Duchesne River through the Duchesne Tunnel to provide municipal, industrial and irrigation water for over a million people and tens of thousands of acres of irrigation along the Wasatch Front. Water right numbers include 43-341, 43-343, and 43-344. The diversion dam and the entry portal to the Duchesne Tunnel are located in the IRA.

Rhoades Canal Company provides irrigation water for 1,229 acres of land from the Duchesne River and Big Springs. Both points of diversion are in the IRA but near the border. Water right numbers are 43-147, 43-156, 43-219, 43-223, 43-225, 43-356, 43-358, 43-1214, and 43-3801.

Sheep Creek Irrigation Company has a collection system of canals and storage reservoirs that provide irrigation water for 9,000 acres. Much of the canal collection system and associated diversions are located in the IRA. Also, Spirit Lake, a moderate hazard dam is located in the IRA but near the border. Water right numbers include 41-207, 41-215, 41-219, 41-220, 41-2414, 41-2826, 41-2830, 41-2861, 41-2913, 41-2915, 41-2960, 41-3295, and 41-3328.

Whiterocks Irrigation Company provides water for 7,460 acres of land. They have four active reservoirs located in the IRA, Chepeta Reservoir (a high hazard dam), and Wigwam, Moccasin, and Papoose (low hazard dams). The storage for the four lakes is approximately 2,800 acre-feet, with Chepeta being 2,470 acre-feet. The water right numbers are 43-505, 43-508, 43-512, and 43-3258. Chepeta dam is within a few hundred yards of a classified road and the other three dams are within a mile of the road.

Ouray Park Irrigation Company provides water for 12,100 acres of land. They maintain two high hazard dams that are located in the IRA. These are Whiterocks Lake and Cliff Lake. The two lakes store approximately 2,000 acre-feet of water. The water right number is 43-3217.

Interstate Irrigation and Reservoir Company provide water for 2,035 acres of land, located in Utah and Wyoming. They maintain Beaver Meadows Reservoir which is a moderate hazard dam and stores 2,461 acre-feet of water. A portion of this dam is located within the IRA. Ashley Valley Reservoir Company maintains four dams in the IRA, Oaks Park Reservoir, Ashley Twin Lake, and Upper and Lower Goose Lakes and provides irrigation and municipal water for Ashley Valley. The IRA boundary is located along the crest of Oaks Park Dam. The downstream half of the dam is located in the IRA. Oaks Park stores 6,249 acre-feet of water and is a moderate hazard dam. Ashley Twin and Upper and Lower Goose store 1,550 acre-feet and Lower Goose is a low hazard dam and the other two are moderate hazard dams.

Hoop Lake Reservoir and Irrigation Company divert and store water to provide irrigation for 2,423 acres in Wyoming. Hoop Lake Reservoir stores 4,026 acre-feet and is a moderate hazard dam. The downstream half of the dam is located in the IRA. The water right numbers are 41-

Michael P. Dombeck
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1425 and 41-2150.

There are many other smaller water rights involved and many individuals and small companies with points of diversion close to the boundaries of the IRA.

Southern Region

The towns of Annabella, Antimony, Elsinore, Joseph, Levan, Lyman, Monroe, Teasdale, and Torrey have some, or all, of their municipal water sources within the IRA.

Manning Meadow Reservoir, owned by the Utah Division of Wildlife Resources and managed for its fishery value, would be seriously impacted if in an IRA. The agency's ability to harvest eggs and plant fingerlings would be limited.

Southeastern Region

POINTS OF DIVERSION:

05-AREA LASAL MOUNTAIN:

Water Rights 05-14, 05-47, 05-572, 05-2130, and 05-2448:

These rights represent individuals or private companies for irrigation and livestock uses.

Total flow: 34.84 cfs
Total acreage: 2,058 acres
Sole Supply: 1,305 acres

These include diversions on Mason Spring, Mason Draw, Beaver Creek, Bear Creek, and several unnamed drainages

Water Right 05-2013 - Moab Irrigation Company

This is the earliest decreed right on Mill Creek and its tributaries, and is used for municipal, irrigation, fish culture, recreation and irrigation purposes. The flow is 3.4 cfs. The points of diversion that appear to be in the IRA include Wilson Mesa diversion on the Wet Fork of Mill Creek, and the South Mesa diversion on the mainstem. These two diversions provide supplemental water based on shares on approximately 1,000 acres of irrigated ground. South

Michael P. Dombeck
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Mesa uses a majority of the shares on the mesa at the present time.

Water Right 05-1523 - Grand County Water Conservancy District

This right represents the remainder of the Moab Irrigation Company's decreed water right which is 14.89 cfs of water. This water is also used for municipal, irrigation, fish culture, recreation and irrigation. The same two points of diversion for Wilson Mesa and South Mesa appear to be the ones in contention. These two diversions provide supplemental water based on contract with the district. At the present time, there is very little water delivered to the mesas by contract.

05/09-AREA BLUE MOUNTAINS

Water Right 09-33 - Bureau of Indian Affairs

This water right is on Hammond Canyon for irrigation purposes on approximately 20 acres.

Water Right 09-125 and 09-300 - Blanding Irrigation Company

A diversion on Dry Wash represents a combined flow of 10 cfs and storage in two reservoirs with a combined capacity of approximately 275 acre-feet. This is a major source of late season water for the company.

Water Right 05-672 - Indian Creek Tunnel

This right is for 50 cfs which is a supplemental right for the company. Proof is pending. A flow of 43 cfs has been measured. This is a high water right and most years is very much needed, and can be stored in Recapture Reservoir

Water Rights 09-447, 09-1270, 09-1580, 09-1581 - Blanding City

These represent water rights on Johnson and Indian Creeks. The Indian Creek water is delivered by way of the Indian Creek Tunnel. These represent absolutely essential sources of water for the city. Surface water represents at least 95% of the municipal water for the town. This water can also be stored in three of the municipal reservoirs.

Water Right 09-1684 - Blanding City

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This is an application filed by the city on Dry Wash that has yet to be approved.

Water Right 09-158

This right is on Coal Bed Creek for a private individual, in the amount of 300 acre-feet, and has also never been approved.

99-AREA

All rights that were picked up in the inventory are for livestock watering.

90-AREA - NINE MILE CREEK

The only right picked up in the inventory was for livestock watering on private land.

91-AREA - PRICE RIVER

Water Right 91-4817

Represents a Diligence Claim filed by Indianola Irrigation Company for transmountain diversion from a tributary of Fish Creek for supplemental irrigation purposes in Sanpete County. The flow is 3.0 cfs

Water Right 91-343

Is owned by the Union Pacific Railroad on the White River for use at Soldier Summit.

93-AREA - SAN RAFAEL DRAINAGE

Water Right 93-997

Belongs to the Bureau of Reclamation and is for 84 acre-feet for storage in Soup Bowl, Academy Mill, Slide Lake, and Grass Flat Reservoir, which are all used for recreation purposes. Of the other bureau rights that were listed, 93-980 is insignificant, and 93-1002 has lapsed.

Water Rights 93-983, 93-986, 93-3336 - Horseshoe Irrigation Company of Spring City

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These rights represent a total flow of 16 cfs from Black Canyon and Cedar Creek Drainages. It is delivered transmountain for supplemental irrigation in Sanpete Valley.

Water Rights 93-2146, 93-2147, 93-2148, 93-2149, 93-2150, 93-2151, 93-2155, 93-2156, 93-2157, 93-2170, 93-2172, 93-2175, 93-921, 93-1020, and 93-1018 - Cottonwood Creek Consolidated Irrigation Company

These rights represent sources that provide water to the stockholders of the company by decree and application. Several of the numbers mentioned refer to

diversions on Indian Creek, Reeder Creek, and Black Canyon Creek, for the irrigation of high mountain meadows. These appear to be the points of diversion that would be involved in this proposal.

The three classes of decreed water represent 150.50 cfs of water, and subsequent applications an additional 109 cfs.

Of the 6,200 acres irrigated by the Company, it would appear that if the meadow diversions are not maintained, approximately 851 acres would be jeopardized. The water originating on the forest and delivered through the company's system is also used for power generation at the Hunter Plant, municipal uses for Orangeville and Castle Dale cities, domestic, and livestock watering.

Water Right 93-1115 - PacifiCorp

This water right allows the diversion of water from Deer Creek at the Deer Creek Mine portal, and from Huntington Creek for power generation at the Huntington Power Plant which produces 805 MW of power. The point of diversion that may be involved appears to be the Deer Creek diversion.

Water Right 91-1174 - Ephraim City

This is an application that remains unapproved, requesting a diversion of 40 cfs from the Seely Creek Drainage, and would be delivered to the city via a transmountain diversion for municipal purposes.

94-AREA - MUDDY CREEK DRAINAGE

Water Rights 94-4, 94-5, 94-6, 94-7, 94-8, 94-830, 94-1197

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These rights represent private companies and individual water rights in the southern part of the drainage where the water is used primarily for irrigation and livestock purposes. Combined flows equal 9.4 cfs and 196 acre-feet and are used for the irrigation of 728 acres.

Water Right 94-33 - Muddy Creek Irrigation Company

This is the water right for Julius Flat Reservoir which would hold approximately 725 acre-feet of water, and is an absolutely essential water source for this company.

Water Right 94-43 - Muddy Creek Irrigation Company

This right is also owned by the company and is still pending for the development of an additional 400 acre-feet on the mountain.

Water Right 94-98 - PacifiCorp

PacifiCorp proposes to store water in a 30,000 acre-feet reservoir for power generation at a 1000 MW plant. This was one of the proposed coal gasification plants. This right is unapproved.

Water Right 94-80 - Consolidated Coal Company

Consolidated Coal Company proposes to construct a 25,000 acre-foot reservoir on the Muddy Creek for similar purposes as noted under water right 94-98. This application is also unapproved.

Water Right 94-94 - Ute Energy

This was to develop 0.5 cfs from several wells for a coal mining venture. At least one or more points of diversion are on FS land. This filing is also unapproved.

Water Right 94-86

This is an underground water filing in the name of Intermountain Consumer Power Association (ICPA) for 70 cfs of water and 5,000 acre-feet. This was a power venture proposing eleven wells, some of which were located on the forest. To my knowledge there is no development on this right. The application remains unapproved.

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RESERVOIRS:

Water Right 94-4 - Willies Flat Reservoir

This is a private reservoir used for supplemental irrigation and has a right of 100 acre-feet, that provides a fairly significant contribution to the water users annual water supply.

Water Right 93-961 - Jet Fox Reservoir

This is located on Cove Fork on Ferron Creek, and is used by Manti City for municipal and irrigation purposes. The right is used for 960 acre-feet annually. This is a significant source of water for the city.

Southwest Region

Water Right 81-30

Under this water right, St. George City has a relatively large (but currently undeveloped) right in Goat Springs. The right has been under an Application to Resume Use filing for quite a while, so the amount of water to be diverted is difficult to determine. The growing demand for water in Washington County is obvious.

Water Right 81-686 (a23450)

This right is designated to serve up to 300 families in the Diamond Valley Acres Ranch subdivision north of St. George. The development includes both springs and wells some of which are in the IRA - particularly Alger Springs. Loss of access to the springs will result in total dependence on the wells.

Water Right 81-970

This right provides the municipal water supply for the entire town of Pine Valley, including the FS facilities and employees who live and work there.

Water Right 81-1132

This right supplies St. George City with 3.0 cfs/2166.53 acre-feet of municipal water annually. The water is also used to generate power for use on the municipal

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grid. Loss of access for maintenance would be a huge problem.

Water Right 97-675

This right represents the only permanent and approved source of water for municipal use in the town of Escalante. The springs supplying this water require regular maintenance to keep the water flowing. Under 97-2214 (a24248), the town has filed for an additional supply out of these same sources (using their allocation of the Flaming Gorge water - 550 acre-feet) to better meet the needs of growth being driven by the designation of the Grand Staircase Escalante National Monument (GSENM). It would be ironic if the FS roadless initiative prevented the town from being able to supply water to the BLM/GSENM offices and personnel.

Water Rights 77-1768, 77-1788 and 77-1792

These rights represent three of several rights currently designated (under approved change applications) for development from several sources to serve the municipal needs of the Elk Meadows Special Service District on Beaver Mountain. Beaver County and the water users have recently spent a considerable amount of money and time in an effort to resolve problems in this area by putting together a municipal-type water system to serve the area. Several (if not all) of their sources are in the IRA and they have worked closely with local FS personnel in the development. Loss of access to those sources would scuttle several millions of dollars invested to date.

The only dams that came up in roadless areas are for Yankee Meadow Reservoir (Water Right 75-980 to Parowan Reservoir & Irrigation Company) and Upper Kents Lake (Water Right 77-1662 to Kents Lake Reservoir Company). Water Right 97-44, for Spectacle Lake, came up in the IRA, but the dam wasn't listed. All three dams are crucial to the operations of the respective irrigation companies and all three have been the subject of fairly large investments in upgrades in the recent past. Spectacle is way off the beaten path, but the other two (Upper Kents Lake and Yankee Meadow) are both presently accessible by well established and heavily traveled roads and are used for recreation and fishing. Loss of access to them would result in major maintenance difficulties for the irrigation companies and substantial loss of recreational opportunities for the general public.

In addition to these specific rights, there are approximately 100 other privately owned rights that

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appear to be potentially impacted by the roadless initiative.

Utah Lake/Jordan River Region

Operation and maintenance of the following dams would be seriously impacted by being in or adjacent to the IRA: Center Creek #1, Center Creek #2, Center Creek #3, Center Creek #5, Daniels, Christensen, Tibble Fork, Silver Lake, Silver Lake Flat, Lake Mary, Twin Lakes, and Red Pine.

Weber River/West Desert Region

The operation and maintenance of dams owned by Fish Lake Reservoir Company, Farmington City, Davis County, and the Beaver & Shingle Creek Irrigation Company would be impacted by the proposed rule.

The following public water suppliers would be impacted by the proposed rule: Ogden, South Ogden, North Ogden, Uintah Highlands, Riverdale, Farmington, Centerville, Fruit Heights, Kamas, Terra, and the Weber Basin Water Conservancy District.

Division of Water Resources

We have prepared and attached separate 22" by 25" GIS maps for each of the national forests. We have identified/located the following (if applies) on each map:

- (1) *Water Rights*. These are either held outright by the Board of Water Resources or held as collateral for projects that have loans with the Board of Water Resources.
- (2) *Projects*. These projects are held in the name of the Board of Water Resources until repayment of loans are made to the Board and may extend up to 30 years. New ones may be added as old projects are repaid.
- (3) *Stream Gages*. Most of the stream gages are USGS gages. They are funded (50%) by the Division of Water Resources or by the Division of Water Rights. They are very important to agencies that plan and/or develop water in the state.
- (4) *Snow Survey Data Sites*. These sites are largely funded by federal agencies but are critical data to the Division of Water Resources and all other local, state and federal agencies that deal with water resources.
- (5) *Cloud Seeding Generators*. Remote ground generators for cloud seeding are currently

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used at a few sites. In the future, more remote sites will be needed as technology for remote generators improves.

- (6) *Potential Reservoir Sites*. These represent an ongoing inventory of potential reservoir sites. They all will *not* be selected for future consideration, but, until the process is completed, they cannot be removed from consideration.

Roadless issues that have been raised are as follows:

- Access to monitor, maintain and repair storage and conveyance facilities.

NOTE: The projects held by the Board of Water Resources is a very small part of the total storage and/or conveyance facilities in the roadless area. The local water entities need to identify their own facilities and the "road" they presently use in these roadless areas to access their projects.

- Access to stream gages, climate stations and snow survey data sites is very critical.

NOTE: Stream gages are funded 50 percent by the Division of Water Resources, the Division of Water Rights, or other Utah water entities. Almost all of this data, however, is collected by federal agencies. The data is critical to both state and federal agencies to administer the Bear River and Colorado River Compacts, plan for the proper storage and release from reservoirs for maximum dam safety and for the ongoing planning to manage and develop, when necessary, additional water resources. The SNOTEL and Snow Data Measuring Sites are critical for Utah's Cloud Seeding Program.

- Opportunity for future water development should be allowed.

NOTE: Growth will continue and water development may be needed in many areas of the state. There will be cases where the most reasonable source of this needed supply is in these roadless areas. This opportunity should not be ruled out.

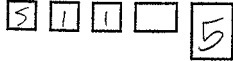
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Michael O. Leavitt
Governor
Thomas R. Warne
Executive Director
John R. Njord
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

4501 South 2700 West
Salt Lake City, Utah 84119-5998
(801)965-4000
FAX: (801) 965-4338
INTERNET www.cr.ex.state.ut.us



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Commission
Glen E. Brown
Chairman
James G. Larkin
Hal M. Clyde
Dan R. Eastman
Stephen M. Bodily
Jan C. Wells
Bevan K. Wilson

CAET RECEIVED

JUN 03 2000

June 23, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Subject: Comments on the Draft Environmental Impact Statement Vol.'s 1 and 2 for
Forest Service Roadless Area Conservation

Dear Mr. Dombeck:

Thank you for the opportunity to comment on the DEIS for the subject project. The Utah Department of Transportation (UDOT) has some concerns about elements of the proposed action outlined in the DEIS. We are submitting the following comments for consideration:

In Volume 2 of the DEIS there are several existing U.S. and State Highways that appear to be within a shaded area proposed as "Inventoried Roadless Area identified in forest plans or other completed assessments adopted by the agency allocated to a prescription that does not allow road construction or reconstruction." These roadways appear in Volume 2 of the DEIS and are listed below:

- Page 182 - U.S. Highway 191 through Ashley National Forest from Vernal, Utah northerly to State Road 43 and the portion of Highway 191 south of Duchesne, Utah
- Page 188 - U.S. Highway 40 through the Uintah National Forest south of Heber City, Utah
- Page 189 - State Route 150 through the Ashley National Forest from Kamas, Utah easterly and northerly to the Wyoming State line

The roadways listed above, as well as all other U.S. and State Routes within Utah are vital transportation links for intrastate and interstate commerce and the traveling public.

UDOT must retain the flexibility to modify, reconstruct or widen these roadways as necessary based on the need to provide a safe transportation facility while maintaining an adequate level of service.

In Summary, UDOT requests that for all alternatives studied in the DEIS, existing corridors that serve U.S. and State Routes in Utah be designated as areas that allow road construction or reconstruction.

Thank you for the opportunity to comment. If you have questions please contact me at (801) 965-4022 or Jerry Chaney, Acting Chief Environmental Engineer, at (801) 965-4317.

Sincerely,

John Njord
UDOT Deputy Director

cc: Linda Toy Hull
Randall K. Lamoreaux
Ahmad Jaber
Jerry Chaney

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UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
(801) 538-1035 • FAX (801) 538-1414

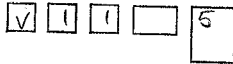
SENATOR
LEONARD M. BLACKHAM
MAJORITY WHIP

TWENTY-EIGHTH DISTRICT
JUAB, SANPETE, SEVIER, MILLARD,
PIUTE, WAYNE, BEAVER and
GARFIELD COUNTIES

P.O. BOX 337
MORONI, UT 84646
(H) (435) 436-8489
(O) (435) 436-8125
FAX (435) 436-8600



APPROPRIATIONS SUBCOMMITTEES
Higher Education
Economic Development & Human Resources
Executive Appropriations
STANDING COMMITTEES
Energy/Natural Resources & Agriculture
Health & Environment
Rules



July 14, 2000

USDA Forest Service - CAET
Post Office Box 22190
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Dear Forest Service Official:

As authorized by federal law, this letter registers my objections to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule. I support the state's official objections to this proposal and have spoken with many other state legislators who shares these concerns. I am writing this protest in particular because I represent a large, rural state senate district that contains many national forest areas and my constituents have expressed strong opinions to me concerning the impacts of this proposal. In my view, the proposed regulations are not consistent with the Forest Service's statutory management responsibilities and fail to adequately protect public interests in the National Forest System.

As stated in the background for the proposed rule, Congress has required the Forest Service to manage its lands on a multiple-use basis in legislation that includes the Multiple-Use Sustained-Yield Act of 1960 and the National Forest Service Management Act of 1976. Although the proposed rule purports to advance this statutory multiple-use objective, I conclude that the current proposal narrows the focus of forest management on the single objective of conserving roadless areas at the sacrifice of other important forest uses.

I am disturbed that this considerable shift in federal policy and the creation of de facto wilderness areas would be accomplished through this rule without the authorization of Congress. While there is an argument woven throughout this proposal that popular and political sentiments support this change, the legal requirement of Congressional approval in the creation of additional wilderness areas remains in force.

This proposal eliminates the ability of foresters to perform the reasonable forest and timber management functions that maintain and renew healthy public forests. The management of roadless forests will become, by default, the consumption of accumulated fuel by forest fires. I question the wisdom of a policy that will probably threaten regional air quality because of smoke, negatively impact vital watersheds and wildlife habitat, and increase public safety risks to

firefighters, citizens, and private property.

Utah citizens have a long history of economic and social uses of the National Forest System under the multiple-use management principles that would be disallowed under the proposed rule. The proposed changes are especially important to my constituents who reside near the national forests in this state. In the proposal's cost-benefit analysis, the impacts to these citizens are understated and readily dismissed, perhaps because of the relatively small population considered to be affected. For affected communities, however, the impacts of the proposed moratorium are not insignificant and will instead devastate local employment and future economic viability.

I submit to you that the effects of this proposal are not localized. Limitations on the popular recreational uses of the forests would affect a vast segment of this Utah's population. Likewise, there are numerable potential economic impacts upon the state, its businesses, and its citizens. As an example, rapidly growing Western populations rely heavily on lumber as a construction resource and citizens have seen dramatic increases in the price of lumber and construction costs. A moratorium on timber harvesting does not abolish the demand for lumber supplies, but rather creates a strong economic incentive for private and foreign foresters to generate quick profits without regard to sound forestry renewal management practices.

It is personally offensive to me that the federal government would propose wasting a valuable renewable resource like timber. Under proper forest management techniques, selective harvesting would maintain the vitality of forests and requirements such as road re-seeding could actually improve forest conditions. As a state senator, I am repeatedly approached by citizens and advocate groups who emphasize the need for additional affordable and low income housing. If we can develop reasonable federal timber harvesting policies, federal and state affordable housing programs will be assisted, rather than undermined in the future.

I urge you to not adopt the proposed action and preferred alternative at this time. For the reasons stated above, I do not favor establishing the universal forest management policies of the current proposal. Among the presented alternatives, I instead support Alternative 1, which does not prohibit activities in inventoried roadless areas, and Alternative A, which does not establish procedures for local forest managers. I advocate entrusting local forest managers with the flexibility to resolve these important forest management issues in a way that is responsive to individual and local circumstances.

I invite Forest Service officials to address my concerns and work with state and local officials and the citizens of Utah to find a management alternative for the National Forest System that is satisfactory to all.

Thank you for your consideration.

Sincerely,

Leonard M. Blackham
Utah State Senate Majority Leader

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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UTAH STATE LEGISLATURE
SALT LAKE CITY, UTAH

July 14, 2000

USDA Forest Service - CAET
Post Office Box 22190
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Forest Service Official:

As authorized by federal law, this letter registers our concerns about the Forest Service Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule. In our view, the proposed regulations are not consistent with the Forest Service's statutory management responsibilities and fail to adequately protect public interests in the National Forest System.

As stated in the background for the proposed rule, Congress has required the Forest Service to manage its lands on a multiple-use basis in legislation that includes the Multiple-Use Sustained-Yield Act of 1960 and the National Forest Service Management Act of 1976. Although the proposed rule purports to advance this statutory multiple-use objective, we conclude that the current proposal narrows the focus of forest management on the single objective of conserving roadless areas at the sacrifice of other important forest uses.

We are disturbed that this considerable shift in federal policy and the creation of de facto wilderness areas would be accomplished through this rule without the authorization of Congress. While there is an argument woven throughout this proposal that popular and political sentiments support this change, the legal requirement of Congressional approval in the creation of additional wilderness areas remains in force.

This proposal eliminates the ability of foresters to perform the reasonable forest and timber management functions that maintain and renew healthy public forests. The management of roadless forests will become, by default, the consumption of accumulated fuel by forest fires. We question the wisdom of a policy that will probably threaten regional air quality because of smoke, negatively impact vital watersheds and wildlife habitat, and increase public safety risks to firefighters, citizens, and private property.

Utah citizens have a long history of economic and social uses of the National Forest System under the multiple-use forest management principles. Many of these recreational and economic uses would be disallowed under the proposed rule and the analysis understates its effect upon the state of Utah, its citizens, and its businesses. We believe that both the Draft Environmental Impact Statement and Proposed Rule need further study, especially concerning these significant impacts.

We urge you to not adopt the proposed action and preferred alternative at this time. For the reasons stated above, we do not favor establishing the universal forest management policies of the current proposal. Among the presented alternatives, we instead support Alternative 1, which does not prohibit activities in inventoried roadless areas, and Alternative A, which does not establish procedures for local forest managers. We advocate entrusting local forest managers with the flexibility to resolve these important forest management issues in a way that is responsive to individual and local circumstances.

We invite Forest Service officials to address our concerns and work with state and local officials and the citizens of Utah to find a management alternative for the National Forest System that is satisfactory to all.

Thank you for your consideration.

Sincerely,

Lyle W. Hillyard
President Lyle W. Hillyard
Utah State Senate

Martin R. Stephens
Speaker Martin R. Stephens
Utah House of Representatives

UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
(801) 538-1035 • FAX (801) 538-1414

SENATOR
PAULA F. JULANDER
MINORITY WHIP

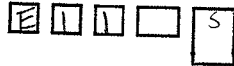
FIRST DISTRICT
SALT LAKE COUNTY

1467 PENROSE DR.
SALT LAKE CITY, UT 84103
(H) (801) 363-0868



APPROPRIATIONS SUBCOMMITTEES
Executive Appropriations
Higher Education
STANDING COMMITTEES
Health & Environment
Transportation/Public Safety

July 12, 2000



USDA Forest Service CAET
Attn: Roadless
Post Office Box 221090
Salt Lake City, UT 84122

Chief Dombeck:

As a member of the Senate, I would like to begin by thanking you for taking this historic initiative towards the protection of the remaining unharmed roadless areas in our National Forests. I believe that the Roadless Protection Plan has the potential to offer real protection to our last wild forests in Utah and across the country.

The citizens of Utah cherish the wild lands that offer some of the most treasured places for hiking, fishing, hunting, and camping. Utahns are no strangers to the innumerable values of our wild forests. The Wasatch Front is a playground for most of the state's residents and its wilderness areas provide us with our clean water.

While I am encouraged by the draft plan's call to an end of roadbuilding in these roadless areas, there are a few omissions, which should be corrected in the final plan. The final plan should include all roadless areas inventoried and uninventoried, an end to logging and exploitive extractive industries, an end off-road vehicle use in roadless areas, and should afford the same levels of protection for the Tongass National Forest in Alaska.

I am grateful for the opportunity to submit my comments and participate in this historic protection initiative. Thank you for taking the time to hear my point of view.

Warm regards,

Paula F. Julander
Senate Democratic Whip

la

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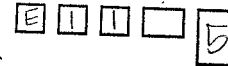
HOUSE OF REPRESENTATIVES
STATE OF UTAH

13524

REPRESENTATIVE DEMAR "BUD" BOWMAN
72ND DISTRICT
(BEAVER AND IRON COUNTIES)
109 NORTH 800 WEST
CEDAR CITY, UTAH 84220
REG. (435) 588-8174
E-Mail: dbowman@le.state.ut.us



STANDING COMMITTEES: LAW ENFORCEMENT AND
CRIMINAL JUSTICE, CHAIR; WORKFORCE SERVICES
APPROPRIATIONS; CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES
June 27, 2000



USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 13 2000

Dear Forest Service Representatives:

My name is DeMar "Bud" Bowman. I am the Representative for District 72 to the Utah House of Representatives. Thank you for the opportunity to comment this evening relative to the National Forest Service Roadless Area Conservation.

There is much unrest in Utah regarding roads on federal lands. I have included with this letter a newspaper article published in the Friday, June 23, 2000 edition of the Spectrum about a road in Nevada to the Jarbidge wilderness. What is scheduled to happen there on July 4th may be like the Boston Tea Party.

We have just been through the West Desert Wilderness Proposal for the seven western counties of Utah. It failed. That failure and the Jarbidge circumstance should give you a feel for local sentiment.

It appears to me that the Roadless Area Conservation is a backdoor approach to creating more wilderness on National Forest. We do not want more wilderness in Iron County.

In any action, quality is the wise choice of the best alternative. It appears to me that a roadless designation takes an alternative off of the table of future decisions. Why take an alternative off of the table? If an area doesn't need a road, simply don't build it. But, don't unnecessarily take the alternative of ever building it off the table.

We are shocked at what the beetle has done to the spruce trees in the Brian Head area. Roads and harvesting timber to maximize the value of the resource should ever be of utmost importance in your management of the public's National Forests.

Yours truly,

Representative DeMar "Bud" Bowman

statement read at
public comment meeting

Dixie NF
Cedar City, Utah
00.06.27

COUNTY COMMISSIONERS
R. Lee Allen
Royal K. Norman
Suzanne Rees



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DAGGETT COUNTY

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OFFICERS

CARLA J. SCRIBBY, COUNTY AUDITOR
LUANN ADAMS, COUNTY RECORDER-CLERK
LEON JENSEN, COUNTY SHERIFF
JON J. BENDERSON, COUNTY ATTORNEY
MONTE R. MUNNS, COUNTY ASSESSOR-TREASURER
DENTON BESCHER, COUNTY SURVEYOR
KEVIN R. CHRISTENSEN, COUNTY JUDGE



DAGGETT COUNTY

STATE OF UTAH
95 North 100 West
P.O. Box 219
Manila, Utah 84046

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June 20, 2000

CAET RECEIVED
JUL 13 2000

July 17, 2000

Sawtooth National Forest
Attn: Bill LeVere, Forest Supervisor
2647 Kimberly Road East
Twin Falls, Idaho 83301

United States Forest Service
C/O Roadless
P.O. Box 221090
Salt Lake City, Utah 84122

Reference: Proposed Roadless Area Conservation Rule

Mister Chairman and Members of the Committee:

Dear Mr. Levere:

The citizens of Box Elder County and the County Commissioners are concerned that access to the forest lands be maintained. Many of our people use the public lands for recreation, livestock grazing, hiking, hunting and just a place to get away.

This letter is in reference to the "Draft Environmental Impact Statement". The Daggett County Commission would like to stress that it adamantly opposes the direction the Forest Service has taken with respect to the formation of more roadless areas within the National Forests. While we are sympathetic of the need to protect threatened and endangered plant and animal species along with protecting the health of the watersheds that provide drinking water and habitat for fish and wildlife. Our main concern is with the human element, which we feel takes priority and is of utmost importance.

Therefore, we ask that the Forest Service not close public access roads to the National Forests.

The public is losing the right to enjoy its "Public Lands" by the implementation of more rules and regulations that are put into place every year. This is just another program that will limit the use of these lands even more. The common person will be limited to the use of the National Forest because this program will limit these areas to foot traffic only. This program will take away the opportunity for our elderly and handicapped citizens to enjoy these areas. Based on population growth, the number of elderly citizens will increase over the next several years. Are they not entitled to be able to access the forest? The sportsmen activities such as hunting, fishing and camping will be highly affected by the lack of access. Only an elite few, such as backpackers etc. will be able to enjoy our natural resources. We also feel that it doesn't make any sense to close these areas with respect to the health of the forest, when issues such as logging and the ability to remove diseased lumber have a positive effect on the forest.

Sincerely,

R. Lee Allen
R. Lee Allen, Commissioner
Box Elder County Commission

Another issue we feel needs to be addressed is Public Safety. We are very concerned with the well being of those who are able to access these areas. Take for instance Search and Rescue and Emergency Medical Services. It is necessary at times to utilize these services on National Forest property. Daggett County had an instance this last summer where felled trees made it nearly impossible to access children who had gotten lost and were in need of medical attention. It took 6 men approximately 5 hours to clear a path in order to get to these children. The practice of felling trees to block existing paths and roadways is detrimental to rescue and medical services

RLA:lr

Commissioners:
Sharon E. Walters
James M. Briggs
Chad L. Reed
435-784-3218
Fax 435-784-3335

Clerk/Treasurer:
Vicky McKee
435-784-3154
Fax 435-784-3335

Auditor/Recorder:
Rita Newkirk
435-784-3210
Fax 435-784-3335

Assessor:
Lana Schofield
435-784-3222
Fax 435-784-3335

Sheriff:
Gaylen Jarvie
435-784-3255
Fax 435-784-3335

Attorney:
Harriet E. Styler
435-889-5277
Fax: 435-889-5298
450 Flaming Gorge Pines
Dutch John, UT 84025

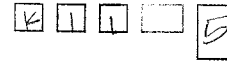
DaggettCounty@union-tel.com

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JUN 23 2000

SAWTOOTH NATIONAL FOREST
TWIN FALLS, IDAHO

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which are essential in any area.

The majority of our constituents are opposed to this action by the Forest Service and we feel that this program decreases the "philosophy" of "Public Land Use" and "Multiple Use" which is important to the economy and livelihood of our residents. We also understand that funding is an issue with respect to maintenance and management of these roads. We also know that many of the roads at issue are not maintained and have not been maintained for several years, yet the access is still available.

We see the need to protect our forests and preserve them for our children and grandchildren to take advantage of the wonderful opportunity to see and explore these areas, however, what good is this "Land Legacy" to our children if they are denied access to it.

Sincerely,
Daggett County Commission

James M. Briggs

James M. Briggs, Chairman

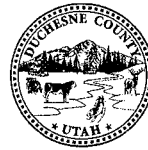
Sharon P. Walters

Sharon P. Walters

Chad L. Reed

Chad L. Reed

cc: Bert Kulesza
Eileen Richmond



DUCHESNE COUNTY COMMISSION

GUY R THAYNE, CHAIRMAN
LARRY S ROSS, MEMBER
F TED KAPPEN, MEMBER
PO BOX 270
DUCHESNE, UTAH
84021-0270
(435) 738-1139

June 28, 2000

United States Forest Service
C/o Roadless
PO Box 221090
Salt Lake City, Utah 84122

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Regarding Duchesne County response to the National Initiatives:

Roadless area, Road management where roads presently exist and Forest planning for future Forest uses that requires roads.

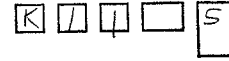
Duchesne County is located in the northeastern corner of the State of Utah. We have a similar history as many Counties in the west. Settlement began in the late 1800's and had a substantial dependency upon the forest for buildings, homes and other infrastructure needs. Because of Forest Service Management decisions the people have generally been restricted from using forest products. Yes the public can still access the Forest for recreation, yet cutting and logging have generally been eliminated by restricting sales and the imposition of environmental rules that curtail historical uses. Permit numbers are being reduced. Grazing and cattle operations have been the mainstay of our economy and it saddens us to see more and more Federal impositions that disallow economic growth and the satisfaction of positive and better lifestyles.

Roadless areas should be determined at the local level by informed and reasonable foresters. Because of natural effects upon a given Forest area, full consideration should be given as to harvesting tree's if the terrain and other factors are such that the values are higher then 0. There are tree stands that roads should not be built to and yet again where Forests are located on rolling mountains and erosion is not a factor the harvesting should be considered as a positive for the health and well being of the Forest as well as Counties that could surely benefit from having logging and cutting access. Roads should be allowed and then rehabilitated when harvesting is completed.

Roadless areas become de facto wilderness designations. The original intent defined in the Presidents directive was to set aside some 40 million acres as roadless or restrictive use Forest lands. In reviewing the President's actions on certain public lands during his administration, we become very apprehensive about the results of any Federal actions on public lands. In short, the proposed roadless initiative is far-reaching and restrictive.

The Federal people seem to have little regard if any as to income from Forestlands. Only in the Federal government can a valuable asset be managed with the intent to create a big red bottom line. The Forest Service complains that it does not have adequate funding to maintain its infrastructure and yet will lock up its resources and lock out interested persons to create adequate

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income for Forest operations. Influencing stiff-necked bureaucrats that have little or no financial economic interest in the end result has and will continue to drive the Forestlands debate to a political conclusion rather than a reasonable and viable decision. Roadless areas just for the sake of having them are not in the purview of our people. A replenishable resource should always be considered for its highest and best use.


Now a comment on road management:

Duchesne County and the Forest Service have entered into several road maintenance agreements. Some roads that are used for hunting and a few special purposes need little maintenance if at all. Other classes of roads need annual maintenance and other County, State, and Federal roads need on going regular, good quality maintenance. Funding programs are generally in place but need additional funds to meet public needs into the future. Again those replenish able Forest resources can and should fund the public's interest on these lands. All existing roads that are being used by the public should remain in place.

The Forest Service appears to be ignoring or does not understand the RS2477 road right-of-way implications. It would be well if the Forest Service would refrain from an extensive road plan until the RS2477 issues are resolved. Our records show that some RS2477 roads and rights-of-way have been closed previously to this Forest Initiative. Duchesne County prefers an amenable resolution on these roads that existed before Forest designation in 1905.

As to Forest planning, Duchesne County intends to participate in the planning process. We understand that the local Foresters will have major influence in determining the future Forest policy. Those men and women that are local Forest people have many abilities relative to working closely with local citizens and local governments. Federal policy that can be molded accordingly to all our interest is preferable.

Vice President Gore was recently quoted; his statements indicated that his policy and directives would be to have more Federal limitations than have been proposed by our present liberal president. Such statements by Mr. Gore are not only ridiculous; they drive a wedge of discontent and prolong the combative attitudes of many people in the west. If the elected officials in the Federal government continue to ignore those of us that are most effected by public land policy, the contentious debate will disrupt reasonable discussions and move us toward the imposition of States rights. Duchesne County stands ready to review, plan and participate in a process of mutual interests.

Sincerely,

Larry S. Koss
Duchesne County Commissioner

LSR/sb



**Duchesne County Planning, Zoning
& Community Development**
734 North Center Street
P. O. Box 317
Duchesne, Utah 84021
(435) 738-1150
FAX # (435) 738-5522

June 28, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED
JUN 29 2000

Dear USFS Manager:

The purpose of this letter is to provide comment on Forest Service Chief Mike Dombeck's Draft Environmental Impact Statement addressing the proposed Roadless Area Conservation Rule.

The West is home to the majority of the country's National Forest. While these lands are managed for the public nationwide, laws, policies and management decisions for public lands most directly impact--both economically and socially--those living in the Western states. Those of us who live in the West depend upon public lands for recreation, wildlife habitat, resource use and/or extraction, water supplies, flood protection, hunting and fishing, aesthetic values, tourism income and economic support from federal resource-dependent industries.

Because most forest roads in the West are more than three miles apart, nearly all areas between these roads would meet the 5,000 acres or more criteria for inclusion in the "roadless inventory." The potential impact of this policy on financial resources and recreational opportunities for rural counties, who depend upon the multiple use of the National Forest (and this is specified in our General Plan) lands for their economic survival, would be disastrous.

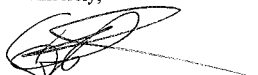
The net effect of this action by the President to have Forest Service Chief Mike Dombeck prepare a Draft Environmental Impact Statement addressing the proposed Roadless Area Conservation Rule is to create de facto Wilderness Areas by Executive Directive rather than by Congressional action. Duchesne County, Utah *does not* support this proposal. Wilderness areas, whether de facto or not should be approved by Congressional action only!

The citizens of Duchesne County, Utah would like to see both the administration and the

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federal government recognize the *constitutional function of government* and that is *not* to grant rights to fanatical environmentalists. i.e, de facto wilderness areas, but to *protect the inalienable God-given rights of life, liberty, property, and the pursuit of happiness* for all United States Citizens, including those of us, who's forefathers pioneered the settlement of the West.

Sincerely,



Clayton B. Chidester
Director

July 14, 2000

Mr. Mike Dombeck, Chief
USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Mr. Dombeck:

The Emery County Public Lands Council (Council) offers the following comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). These comments are submitted today to meet the deadline specified in the Federal Register Notice, but, the Council requests that the comment period be extended or reopened for sixty days. The Council believes the extension is justified by the complexity of the proposed action and the far reaching impacts associated with such action. Additionally, as the DEIS acknowledges, "... this proposed roadless area rule together with other proposed rules might have a cumulative impact in final form." Therefore, it seems reasonable that an extension be granted to allow sufficient time for a complete review of this proposal, its interrelationship to other proposed rules and the resultant cumulative impacts.

The Council believes that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process, at the local forest level. A rulemaking process that is intended to address all roadless areas through one national decision cannot address the unique conditions of each forest or individual roadless area. Therefore, the Council is opposed to such a broad-scope decision to "protect certain" roadless areas.

The Council feels that the existing Manti-La Sal National Forest Land and Resource Management Plan provides an adequate mechanism for protection of the various forest resources, including roadless areas, as evidenced by the following language from a 1991 Travel Management Plan Revision Decision Memo, from the Forest Supervisor, amending the Forest Plan; "I have decided to eliminate roads [which are] causing resource damage and/or are not needed for management of the Manti-La Sal National Forest by restoring the occupied lands to natural resource production."

It is the opinion of the Council that both immediate and future protection of roadless areas could be achieved simply through a Procedural Directive as described in

Alternative D. Such an approach would enable forest managers to make forest specific decisions regarding roadless areas while ensuring that the long-range perspective of Forest Plans is not compromised. For the Manti-La Sal, this would facilitate decisions which may be necessary to address the forest health and fire management issues associated with the significant spruce beetle infestation. In addition to its failure to facilitate effective response to the beetle infestation on the Manti-La Sal National Forest and the subsequent degradation of forest and watershed health and the increased potential of catastrophic destructive fires, the DEIS contains discrepancies and inconsistencies.

At page 3-168, the DEIS reads, "During 1994-95, 94.5% of the visitors to federally designated wilderness areas were white (Cordell and Teasley 1998)." Following at page 3-172, the DEIS reads, "Maintaining inventoried roadless areas in their current state will reduce the need for recreationists in search of remote experiences to move to Wilderness areas to enjoy a comparable experience." This indicates that the proposed rule will effectively increase wilderness areas, thus decreasing the opportunities for non-white forest visitors to participate in their preferred recreational activities. This seems discriminatory.

Additionally, the stereotypical, remotely relevant description of the "protected populations" (minority groups) in the Civil Rights and Environmental Justice section of the DEIS reinforces the sense of discrimination. This section of the DEIS concludes with the following statements regarding the Action Alternatives 2 through 4, "Disparate or disproportionate impacts associated with a prohibition on road construction and reconstruction is not anticipated to affect protected populations at the national level. While national level impacts are not expected to be disparate, adverse impacts are possible on a regional or local level." These statements do not support the national approach to roadless area management as proffered by the proposed rule and the Preferred Alternative, particularly when one considers the statement found at page 3-203 of the DEIS, "Most [Native American] respondents favored local decision-making regarding roadless area management."

The statements, "The effects of the prohibitions [of road construction and reconstruction] would be positive for people who engage in activities such as ...off-highway driving...", at page 3-171, and "Allotments located in unroaded areas are usually accessed on horseback or by OHV." (page 3-177), are not consistent with the Manti-La Sal National Forest Travel Management Plan which states, "All Forest Development Roads [Classified Roads] and Trails are designated open to off-highway vehicle use, unless otherwise specified, and all areas are closed to off-road travel unless specifically designated open." These inconsistencies confirm the inappropriateness of instituting "national prohibitions" to address forest-specific management concerns.

The statement at page 3-178 of the DEIS, regarding livestock grazing, does not accurately represent conditions on the Manti-La Sal National Forest. The DEIS reads,

"Because the action alternatives represent no change from current conditions, there should be no impact from them on access, economic well being, quality of life, identity, or values among ranching communities."

Portions of the "inventoried roadless areas" and "other unroaded areas" in the Manti-La Sal National Forest are as described in the South Manti Timber Salvage Final Environmental Impact Statement, "A spruce beetle epidemic has affected most of the spruce within this area. Approximately seventy percent of the spruce trees with a diameter greater than five inches at breast height and ninety percent of the spruce trees with a diameter greater than eleven inches at breast height are dead." The spruce beetles continue to move through the Manti-La Sal National Forest, thus, the areal extent of their destruction continues to increase. This results in a continuing change from current conditions in the form of increased degradation of forest health and an increase in fire risk.

The DEIS, at page 3-172 recognizes "stewardship [timber] harvest to address forest health and fire risk problems". However, the DEIS at page 3-184 also states, "Alternatives 2 through 4 limit the amount of timber volume that can be harvested from inventoried roadless areas." Therefore, the Action Alternatives, including Preferred Alternative 2, contribute to a continuing change in current conditions and the associated impacts to economic well being, quality of life and other values for members of the ranching community.

The DEIS, in attempting to address the impacts of the proposal on the timber harvesting community both insults the members of the community and ignores or minimizes the impacts to members of the community associated with Manti-La Sal National Forest.

The DEIS, at page 3-189, in describing members of the timber harvesting community states, "Qualities that are characteristic of their occupational identity include freedom, independence, individualism, pride in their skills and hard work, courage, and attachment to a rural lifestyle." At page 3-190, the description continues, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle."

The data in Table 3-55, page 3-218 and the discussion of Region 4 at page 3-221 do not accurately represent the Manti-La Sal National Forest.

Table 3-55 identifies Gunnison and Wellington, Utah as Potentially Affected Communities; however, the Table is confusing as to the fact that both communities have operating sawmills. Additionally, the community of Huntington, Utah, which has an operating sawmill, is not identified in the Table. The Table also indicates that 17-28 Direct Jobs, associated with the Manti-La Sal National Forest may be affected by the

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Prohibitions on Road Construction and Reconstruction and Timber Harvest. This is inaccurate information. The Satterwhite Log Home operation at Gunnison employs 42 workers at the mill and 30 in the field. This single operation exceeds the numbers represented in Table 3-55.

The information regarding the communities associated with the Manti-La Sal National Forest is not accurately represented nor adequately discussed in the Region 4 information at page 3-221, although all three communities are in counties which rank low in economic resiliency.

Information regarding Energy and Non-Energy Minerals, at page 3-192, Figure 3-28 depicts coal production from National Forest lands as less than 10% of the total U.S. production. This does not accurately depict the significance of coal production associated with the Manti-La Sal National Forest, nor its significance to the economy of Emery County, where the majority of coal production is associated with National Forest lands.

Additionally, the DEIS, at page 3-194 states, "Compared to Alternative 1, these alternatives [2 through 4] would result in fewer mining-related jobs, less income, and a reduction in the U.S. Treasury receipts and PTS [Payments to States] generated from mineral activities. There is not enough information available, however, to quantitatively estimate the degree to which jobs, income, and revenue would be reduced by the proposed rule."

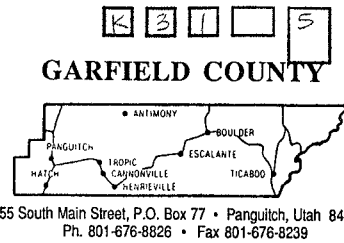
This statement clearly illustrates the inappropriateness of a broad-scope approach in addressing local forest specific issues. The inability of the DEIS to even estimate the potential economic impacts to the coal industry is of great concern to the Public Lands Council and Emery County.

The Council reiterates its position that the existing Manti-La Sal Land and Resource Management Plan provides an adequate and effective mechanism for addressing management and protection of the various forest resources, including roadless areas. Therefore, the Proposed Rule should be withdrawn and the associated environmental analysis process discontinued.

Sincerely,

Tracy Jeffs, Chairman
Emery County Public Lands Council
P.O. Box 1298
Castle Dale, Utah 84513

County Commissioners
Louise Liston
D. Maloy Dodds
Clare M. Ramsay
Camille A. Moore,
Clerk/Auditor



Tom Simkins, Assessor
Judy Henrie, Treasurer
Than Cooper, Sheriff
Wallace A. Lee, Attorney
A. Les Barker, Recorder
John W. Yardley,
Justice of the Peace

July 11, 2000

USDA Forest Service - CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JULY 12 2000

Dear Sirs;

Thank you for the opportunity to review the **Draft Environmental Impact Statement for Roadless Area Conservation**. We have reviewed the SUMMARY and PROPOSED RULE, along with DEIS Volumes 1 and 2. Garfield County believes that the only feasible alternative that can be implemented is Alternative 1: NO ACTION. It should be noted forthwith that Garfield County adamantly and vehemently opposes the Roadless Area Conservation plan, as proposed in the DEIS. This response outlines the concerns and issues that Garfield County has about the proposed action.

Garfield County once relied heavily upon the timber industry to provide jobs for the citizens that resided in our communities. Unfortunately, due to overwhelming restrictions on the land, the unwillingness of land management agencies to put timber sales up for bid, and appeals from the environmental community, what was once Garfield County's second largest employer is now just a shadow of the past. Timber industry related jobs in Garfield County have declined dramatically in the last decade. The largest timber operation that existed in the county was operated from 1955 until 1996. This operation employed from 100 to 150 local workers, and paid out over two million dollars a year in salaries and wages. The closure of this sawmill generated a necessity for the creation of more jobs, and when comparable jobs were not available, this ultimately required the relocation of many workers.

Response to Draft Environmental Impact Statement
Forest Service Roadless Initiative
Board of Commissioners of Garfield County, Utah

It is from this angle that we must respond to this roadless initiative. We are always weary of new and additional restrictions on timber and other renewable resources because small communities and sparsely populated counties, such as ours, have been historically overlooked in the process. It is our conclusion that if the proposed rule is implemented, it will be detrimental not only to the economy of Garfield County, but to all counties and rural areas that are dependant upon timber harvest for their livelihoods.

The DEIS shows four alternatives. Garfield County objects to all of the alternatives with the exception of Alternative 1. Because Alternative 2 is the Proposed Action and Preferred Alternative, this response will deal primarily with the issues discussed under that heading.

Page 1-1 Wildlife Concerns

The claim that roads create a "reduction of genetic mixing necessary for species diversity and health" is unfounded. Species cross roads just as easily as they cross sagebrush flats. If there is a problem with species diversity, it is an agency management problem, not the result of roaded areas in their habitat.

Page 2-2 Inventoried Roadless Areas v. Unroaded Portions of Inventoried Roadless Areas

It appears as though the DEIS is fatally flawed in the beginning due to definitions. Some questions logically arise. *How can an "inventoried roadless area" have roads on it?* Is that not contrary to the definition of roadless? If some of the lands that were once classified as "roadless" have had roads constructed over them after they were inventoried, *they can no longer be claimed as roadless.* This is an apparent attempt to confuse the public with legal jargon and word games. Classifying lands as "unroaded portions of roadless areas" is not only redundant, but illogical. The EIS should deal with areas **that do not have roads on them**, as the classification of "inventoried roadless area" suggests.

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Response to Draft Environmental Impact Statement
Forest Service Roadless Initiative
Board of Commissioners of Garfield County, Utah

Page 2-4 Road Construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas.

The inability to "[expand] a road to increase its capacity" or "[increase] the traffic service level" would create serious safety problems. This would ultimately result in roads that were neither adequate nor sufficiently maintained to support the increasing traffic demands of persons using public lands.

Limiting access to these public lands by prohibiting the creation of roads creates de-facto Wilderness. As you are aware, Wilderness may be created only upon Congressional approval. These lands have been scrutinized by land management agencies, environmental groups, multiple-use advocates, and Congress for nearly three decades. In the past, and even today, Congress does not consider many of these lands fit for Wilderness designation. In fact, page 2-17 of the DEIS gives the following reason as to why the alternative to recommend that all inventoried roadless areas be designated Wilderness was excluded from further consideration:

- 1) most of the inventoried roadless areas in question have already been evaluated for wilderness character in the land management planning process and **it was determined for various factors that those areas should not be designated as Wilderness.** (Emphasis Added)

Garfield County believes that implementation of the proposed rule is merely an administrative technique to create anywhere from 43 to 52 million acres of de-facto Wilderness where none actually exists.

The fact that timber harvest would still be allowed on unroaded portions of inventoried roadless areas is inconsequential. It would be impracticable to harvest timber without having roads to access the timber sale. Even though page S-37 of the summary points out that "[t]imber can also be harvested, using existing roads, with helicopters or cable yarding systems," it is

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Response to Draft Environmental Impact Statement
Forest Service Roadless Initiative
Board of Commissioners of Garfield County, Utah

nearly impossible to do so. First of all, this limits timber sales only to areas adjacent to existing roads, eliminating any sales within roadless boundaries. Secondly, both of these types of operations are very expensive, and managers do not make enough profit on the sale to continue harvesting timber for very long. Due to excessive losses, most operations cease before they are able to harvest all of the timber that was allotted on the sale.

This is due to many factors. Page 3-115 of the DEIS states that **“only trees near existing roads or high value species that could be yarded with helicopters would be economically feasible to harvest.”** It continues by stating that **“Helicopter timber harvest feasibility depends on many factors, including value of the timber removed, but generally is not feasible at distances of more than a mile from the nearest road.”** We know that helicopter logging is unfeasible from firsthand experience, because this was the case with the helicopter logging operation at Panguitch Lake – a site in our county – in the early ‘90s when the Forest Service would not allow the construction of roads to access the timber sale.

The prohibition on the construction and reconstruction of roads, coupled with the unfeasibility of any other type of timber harvest operation apart from current and traditional methods essentially creates an effectual barrier and puts an end to any future timber sales within the boundaries of these roadless areas. This is neither good nor responsible land management. This opens the door for such disasters as wildfires and insect infestations.

Page 2-6 *Procedural Alternatives*

Consistent with Garfield County’s views on this matter, the only acceptable alternative would be Alternative A: No Action; No Procedures. We see no reason why a blanket of procedural regulations should be placed on Forest Service land. If a proposed project or activity is questionable and could result in a loss of “roadless characteristics,” history has shown us that the Forest Service – or some special interest group – will immediately bring it to our attention. Any changes from current policy should be made by revising the forest plan or by performing environmental analyses, and should be made solely upon a project-by-project basis, but **only**

Response to Draft Environmental Impact Statement
Forest Service Roadless Initiative
Board of Commissioners of Garfield County, Utah

when raised as an issue. There is no need to evaluate any activity to which no one has objected. Doing so would be purely a waste of money and time.

Page 2-33 *Summary of Combined Effects of the Proposed Action*

The Proposed Action and Preferred Alternative shows that **“250 timber-related jobs [would be] lost from reduction in timber harvest in inventoried roadless areas.”** Garfield County believes that this number is a gross misrepresentation of reality. Garfield County has seen the devastation of lost jobs due to unnecessary and excessive management techniques on the part of land management agencies, and believes that a far more substantial number of timber-related jobs would be placed in jeopardy than a mere 250. We would hope that the Forest Service re-evaluate this number to reflect the substantial amount of jobs that would be lost due to the inability to harvest timber because of access restrictions on Forest Service land. We believe that if the proposed rule is put into effect, the timber harvesting operations that lie within our county will be placed in jeopardy and ultimately forced to close. That would create a loss of approximately 200 jobs in Garfield County alone.

Page 3-9 *Population growth will increase the demand for most natural resources in the future.*

This statement is very true. However, the proposed rule would **reduce** the quantity of natural resources available (at least 300 million board feet in five years), and **increase** not only the demand, but the price consumers must pay for them. Another troubling issue is that the rate of harvest in the inventoried roadless areas **“would continue at a rate no greater than that experienced over the past 20 years.”** How can we expect to meet the needs of the nation if we are only allowed to harvest the same amount of timber that we harvested in the 1980s? We should not have to rely on the importation of lumber to satisfy the nation’s needs, since timber is a renewable resource, and can be managed sustainably while utilized for the good of the human race.

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Page 3-9 *Demand will also increase for amenity and ecological values of resources such as open space, scenic quality...and escape from urban environments. As open space is lost...the importance of roadless areas on public lands...will continue to grow.*

According to Figure 3-1, on page 3-2, 33% of the land managed nationally by the Forest Service has provisions that either prohibit or restrict roads. Page 3-138 shows that 38% of inventoried roadless areas are covered by forest plan prescriptions that restrict road construction and reconstruction. If people wish to "escape from urban environments", they will find these places. One of every three acres of Forest Service land having road restrictions or prohibitions is a very large and substantial amount. Along with National Parks, National Monuments, Wilderness Areas, National Recreation Areas, Scenic Rivers, Primitive Sites, or other similar categories of land designation, people that wish to leave the cities for recreation will identify and go to these places.

This creates various problems. The Forest Service will have to construct, reconstruct, and maintain **more** roads, due to the increased number of visitors that will frequent these areas. People also want access. People come to see sites **in their cars**. A road network sufficient to support this increased tourism will be necessary. If the proposed rule is implemented, it will be impossible to accommodate the increased number of people who go to these areas to escape the city.

Page 3-56 *Fragmentation*

Concerns from the Forest Service about habitat fragmentation were also discussed on page 1-1 of the DEIS. Clearcutting certainly causes substantial impacts to forests. However, in certain forests, such as Lodgepole Pine forests, the only efficient and effective way to manage the timber is through this type of management.

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While we are unaware of situations in other forests, we are familiar with our local forest, the Dixie National Forest, and we have seen a relatively small amount of clearcutting applied. Even when this type of harvest technique was used, it was only to achieve management objectives.

We believe that rather than prohibit roads on all roadless portions of inventoried roadless areas, local managers should consider which areas are in danger of a "great loss of biodiversity," and evaluate the actions on a case-by-case basis. Forests, such as the Dixie, should not be subject to the proposed regulations if current harvesting practices are non-detrimental to the land, as fragmentation would only occur in isolated instances, if at all. The DEIS states:

While the Intermountain Region would have the highest harvest levels and road construction in the contiguous U.S., less than 10% of the acres harvested would be from clearcutting. As a result, **impacts from fragmentation are expected to be low in this area** since at least 90% of the harvest should be accomplished with prescriptions that cause relatively less impact than clearcutting, such as thinning, which have **relatively low effects on fragmentation and connectivity**.
(Emphasis Added)

If there will be a relatively small amount of fragmentation by forest activities in the Intermountain Region, even when we have both the "highest harvest levels and road construction in the contiguous U.S." this should not be an issue, and all forests should not be subject to the proposed restrictions. This example also illustrates that a high yield of timber can be obtained and sustained with a minimum amount of fragmentation.

Page 3-98 *Fuel Management*

Forest fires are tragedies. We have recently witnessed many catastrophic fires in various regions of the United States, due to controlled burns by the Forest Service, appeals by special-interest groups, or other natural or manmade causes. A lack of management has created fire hazards in many of the forests. In our area, such a lack of management has resulted in an infestation of bark beetles, which have ravaged the forests that surround our communities and county. The forest is in a very unhealthy condition, and it is devastating to see the damage – created by Forest

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Service by not allowing the immediate remedy of this situation years ago when it was still possible – now witnessed by the brown, dead trees that litter the landscape instead of the lush green canopy of healthy trees that once prevailed. When the Forest Service conducts controlled burns to “manage the fuel,” they are also creating additional fire hazards. When the controlled fires kill the small trees, the trees are not removed, but stay standing and dry. When a fire occurs, these trees will provide more fuel, and put the forest in greater risk of a catastrophic level of fire.

Rather than allow mankind to utilize these renewable resources and reduce fire hazards, the proposed rule would do just the opposite. The DEIS shows that any alternative other than Alternative 1 would have:

1. A...decrease in the...ability to reduce the fire hazard...;
2. A[n]...increase in the number of wildland fires that become catastrophic;
3. Increased costs for some fuel management projects;
4. A...decrease in the...ability to implement [the] goal of reducing the threat of catastrophic wildfires.

We feel that this is unacceptable and dangerous. Increasing the risk of fires is not proper management. Rather than seek to prohibit timber harvest and road construction on Forest Service lands, the Forest Service should concentrate on the health of the forest and the safety of the people and lands located within close proximity.

It is very apparent that with prudent management and common sense, the forests could return to a healthy state. If the Forest Service would allow the timber operations to construct and reconstruct roads, and then systematically thin and clear some of these forests of fire hazards, the risk of catastrophic fires would decrease dramatically.

If Alternative 2, 3, or 4 is implemented, the costs for fuel management projects would more than increase: it would raise to a point of impracticability. As we stated earlier, even though timber

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harvesting would be allowed by Alternative 2, helicopter logging or timber removal with heavy equipment is cost-inhibitive. The result would be not only a decrease of projects to reduce fuel, but a foreseeable halt on such projects in the future due to excessive costs.

Page 3-107 *Insects and Disease*

The only feasible alternative to control insect infestations and diseases is Alternative 1. Currently, there are epidemics of bark beetles and other insects in many national forests. If this problem is not immediately suppressed by allowing companies to harvest the affected timber, these insects will continue to devastate our forests and create fuel for forest fires.

In Alternative 2, the possibility of helicopter yarding is once again unfeasible. As experience has shown, the value of the trees removed would not offset the timber-harvesting costs because administrative red-tape and procedures allow too much time to elapse between the infestation and the harvest of the trees. From a real-life perspective, by the time the timber sale is put up for bid, the mitigation and appeals processes are past, and the operation actually begins to harvest the timber, the insects have destroyed much of the forest and the timber is unsuitable for commercial use. We believe that implementation of Alternative 2, 3, or 4 would decrease the health of the forest, which goes against the objectives of the Forest Service, the proposed action, and the policies of Garfield County.

Page 3-110 *In the West...there appears to be consensus on allowing fire to play a more natural role...*

There is no reference as to where this information was obtained. We are certainly not the only person, business, or governing entity in the West that objects to manmade and natural fires destroying the landscape when the timber could be harvested and utilized for the good of mankind. The Forest Service should re-evaluate this statement.

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Page 3-112 *Timber Harvest*

Garfield County businesses and residents would be negatively affected by Alternatives 2, 3 or 4. In addition, the forest would be negatively affected by these alternatives. The DEIS reads:

Timber sales are often used as a least-cost method to manage vegetation to meet resource objectives of **improving wildlife habitats, reducing fuels** that may increase fire risk, **recovering timber value** from natural disasters such as windstorm or fire, **combating insect and disease infestations**, and **improving tree growth**. (Emphasis Added)

Reducing the amount of timber sales and prohibiting road construction or reconstruction on Forest Service lands creates innumerable problems. Among them are:

1. Only species of high commercial value within one mile of an existing road could feasibly be harvested.
2. Timber harvest costs will rise.
3. Fuel reduction costs will rise.
4. The supply for wood products will rise.
5. The cost for wood products will rise.
6. The availability of wood products will decline.
7. A loss of jobs for rural communities and sparsely populated counties that rely on timber harvesting for their livelihood.
8. Vegetation management objective costs will rise.
9. Insect and disease control costs will rise.
10. Forest health will continue to decrease.
11. A decline in young trees due to heavy canopy cover.
12. A decline in forest fauna and vegetation.
13. An increase in fire fuel and hazards.
14. An increase in catastrophic forest fires.
15. A loss of habitat for threatened and endangered species.
16. Restrictions and inability to properly manage forests.

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It is apparent that the proposed rule would adversely affect forest health. We must question, then, what are the motives behind this roadless initiative if they are not for the health of the forest?

Page 3-117 *Recreation*

We realize the need for recreation opportunities. Because much of our county's economy is built around tourism, we are very aware of the wants and needs of recreationists. We recognize the need for roadless areas. We also recognize that these areas are around, and are classified as Wilderness Areas. The Wilderness Act sets aside parcels of land that make possible "a primitive and unconfined type of recreation" among other things.

We do not wish to build millions of miles of road that detract from the beauty of the surrounding landscape. On the contrary, roads that are constructed and maintained on Forest Service land provide a necessary transportation network for interested parties to access these remote, roadless areas. There are some places where roads cannot be constructed. What the proposed rule does, rather than protect the forest, is create millions of acres of de-facto Wilderness.

Page 3-133 *Scenic Quality*

The DEIS raises certain questions about the degradation of scenic quality due to road construction, and says that Alternative 1 would "have a low ability to maintain scenic quality." Page S-18 says that only 1,444 miles of road would be constructed nationwide in five years. Of this 1,444 miles of roads, only approximately 800 miles would possibly be built in the contiguous 48 states in the next five years. Of those 800 miles, only 216 miles are planned for construction and reconstruction in inventoried roadless areas in the 11 western states over the next 5 years (DEIS, p. 3-178).

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Garfield County alone is home to over thousands of miles of roads, and has not compromised its aesthetic beauty or scenic quality. We have personally seen sites of roads – including paved highways – in our county that were closed, and then naturally reclaimed in a matter of a few years so that the old path is now nearly unintelligible to anyone who does not know the road was there in the first place. The inclusion of a prohibition on the “reconstruction of roads” also implies that these roads on inventoried roadless areas have been claimed naturally and need maintenance to reopen them to vehicular use. The PURPOSE and NEED section of the DEIS (page 1-10) says:

...the agency decided to analyze a number of alternatives to limit road construction, reconstruction, and timber harvest because these activities occur on a national scale, have the greatest likelihood of altering landscapes, often cause significant landscape fragmentation, and **often result in immediate, irreversible, and long-term loss of roadless characteristics.** (Emphasis added)

If the timber harvest is conducted following applicable and current standards, there is a possibility that a minimal disturbance of roadless characteristics will occur. However, it is seldom that such activities result in immediate, irreversible, and long-term loss of roadless characteristics. The resulting impacts are usually short-term.

Page 3-137 Wilderness

There are some troubling aspects and inherent contradictions to the description of Alternatives 2 through 4. The DEIS states:

...the amount and types of timber harvest allowed in inventoried roadless areas enhance vegetative health and reduce fuel loading, thereby providing protection from pests, diseases, and catastrophic wildfires spreading into designated Wilderness.

Alternative 4 does not permit timber harvest. We have shown in the preceding section “Timber Harvest” that not allowing timber harvest actually has a negative impact on the land. We believe that the description above belongs under Alternative 1.

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Forest Service lands cannot be managed as de-facto Wilderness. As stated earlier, many of these lands have been deemed not suitable for Wilderness designation. We see this management plan as an administrative attempt to create de-facto Wilderness where none actually exists.

Page 3-138 Real Estate Management

It is apparent that *Non-recreational special uses not associated with valid existing rights*, as defined by the DEIS, are important to the infrastructure of the United States. Once again, a permanent prohibition on road construction and reconstruction would severely impact these uses, such as the ability to place utility lines, linear irrigation facilities, and communications sites, on Forest Service lands. We believe in the prudent use of our natural resources (including the scenic values) and believe that rather than a permanent prohibition, the Forest Service should evaluate each project on a **case-by-case** basis.

Page 3-142 Minerals and Geology

Alternatives 2, 3, and 4 place additional burdens and restrictions on all mineral resources. The process is already cumbersome. Monetary costs are not examined in this portion of the DEIS. For example, a mandatory EIS costs money. Additional SUDs cost money. These restrictions will cause a necessary increase in the budget for the Forest Service, and will eventually make such proposed extractions unfeasible. These alternatives will also cause an eventual decrease in such activities, and an increase to the costs associated with them. The current system is reasonable. We see no need to deviate from it.

Page 3-147 Geological and Paleontological Resources

Limiting access to these public lands will make the discovery and excavation of new paleontological resources nearly impossible. When many fossils are quarried and cut from rock, the resulting blocks can weigh over 1,000 pounds, as is the case with the proposed Hadrosaur excavation in the Grand Staircase-Escalante National Monument. The unavailability of vehicles

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to transport these masses of rock equates to an inability to excavate the remains, leaving behind a valuable piece of history and important specimen for studies. As is the case with most of the activities that take place on Forest Service lands, the use of helicopters would not be practical.

Page 3-149 Fire Suppression

The DEIS alludes to the fact that timber harvest along with effective fuel treatment would **“have the effect of lowering the fire hazard for that area.”** It then states that only from 14,000 to 94,000 acres are expected to receive fire treatment in the next five years. This is a very small amount of acreage for the fire risks that exist on the National Forests.

Rather than impose a national prohibition on the construction of roads and (even with Alternatives 2 and 3) an essential ban on timber harvesting, we believe that the amount of timber offered for harvest should **increase**, not decrease. This would give the Forest Service an opportunity to control the fuel and lower the risk of fire in all national forests. The DEIS states that “[t]imber sales are often used as a least-cost method to manage vegetation to meet resource objectives of...**reducing fuels that may increase fire risk...**” Timber harvest operations should be looked upon as the easiest and most inexpensive way to control fire risk. A national prohibition of this activity would result in a dramatic increase of fire, and the loss of a very important tool in fire control.

Page 3-161 Wildland Values

Contrary to popular belief, timber harvesting does not degrade wildland values. Roads made for timber harvesting purposes create access to scenic places. Thinning, maintenance, and fuel extraction make access inside the forests possible. As stated above, effects from timber harvests are nearly always short-term.

The DEIS, while mandated to remain objective in the examination of all of the alternatives, makes out the timber industry to be “the bad guy” that ruins and exploits natural resources,

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pillaging the national forests and destroying the ecosystem. Many of the negative impacts associated with timber harvesting and road construction and/or reconstruction listed on page 3-165 of the DEIS will apply to rural communities and counties if any one of these “action alternatives” are implemented, such as:

1. **Alteration of special places that individuals or groups have a place attachment to;** by allowing the forests to burn, and not allowing timber harvests on many Forest Service lands, the actual character of the forest is affected in an adverse way. In and around our County, the forests around the Cedar Breaks National Monument are nearly dead due to a prohibition on roads and timber sale appeals. When timber harvest was not feasible, the once green stands of trees were left to dry and turn to large clumps of dead, brown forests. Does a lack of proper management not constitute an “alteration of special places”? People no longer frequent this site to picnic or conduct recreational activities. It is apparent that the aim of the Forest Service with the “action alternatives” is to remove all human activities from the forests.
2. **The undermining of the attitudes, beliefs, and values of people holding wildland values.** What about the attitudes, beliefs, and values of people holding multiple-use values? Any “action alternative” would destroy the livelihoods of many people who have just as much right to use the forests as anyone else. Rural communities and counties have a history of being overlooked by any governmental agency because of their under-representation. By implementing a prohibition on road construction and reconstruction, and through decommissioning many existing roads, the Forest Service is creating a place that can only be accessed by the elite of the agency. Where are the attitudes, beliefs, and values of these rural people in the DEIS discussed?
3. **Potential threats to individual or cultural identity.** What about the culture that exists in small, rural communities? In Escalante, Utah, a rural town in our county, one of the timber harvesting operations took root in 1832, and will be forced into extinction by the roadless initiative, creating a loss of more than 120 direct and indirect jobs. In a town with less than 500 people, 120 jobs is a substantial amount. In Panguitch, the loss of 150 jobs created a need for relocation for many families due to lack of employment. **The**

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roadless initiative directly poses threats to the identities of those individuals and communities that depend on Forest Service lands for their livelihoods.

Page 3-166 Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

The DEIS explains that even though Alternative 1 allows for the construction of roads in roadless areas for certain activities, “a high percentage of those roads would likely be closed when no longer needed for the development activity...” If most of the roads used for “development activities” are going to be closed, what is the purpose of creating a prohibition on such roads? As stated above, roads will be naturally reclaimed with time. There is no need for any action to take place if no harm will be done.

Page 3-173 Hunting and Fishing

The claims in this section under Alternative 1 are unfounded. Roads will not diminish the “ecological integrity” of inventoried roadless areas. They will not destroy riparian vegetation, except for what must be removed from the road bed for construction. Roads do not have an effect on the introduction of non-native fish species. On the Boulder Mountains, an fairly unroaded area in our County, non-native fish species have been introduced to lakes.

Roads will not increase poaching, as poachers will illegally take game wherever it is found. Roads do not negatively impact deer herds, as witnessed by the amount of deer seen on the roadside. Game species will not decline if more roads are created. Anyone who has ever seriously hunted big game can testify to the fact that deer, elk, and other species will **walk straight up existing roads**, as evidenced by their tracks. These claims are unfounded, and another attempt to portray timber harvest and road construction as evils that will degrade the environment.

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Page 3-182 Timber Harvest

Once again, Garfield County does not believe that the amount of jobs that the DEIS states will be lost if any of the “action alternatives” are implemented is realistic. In a statement by Steven Steed, manager of Utah Forest Products in Escalante, Utah, a more realistic view is shown:

In reality there are fourteen small family-owned sawmills in Utah that depend on federal timber. These sawmills directly employ over 406 people and indirectly employ approximately 200 loggers and truckers. Over half of the sales planned for this year, on the three Southern Utah forests [Dixie, Fishlake, Manti-La Sal] were to be in RARE II Roadless Areas. Over 67% of the forest lands on National Forests in Utah are either in Wilderness or within the boundaries of RARE II Roadless Areas. Without this volume, most of these companies will also fail.

In Garfield County alone, the roadless initiative would equate to a massive loss of jobs, and would ultimately require the relocation of many of the workers.

There is another issue under this heading that we would like to discuss. In your effort to classify loggers and the potential impacts that the proposed rule would have on them, you have made them sound like a group of uneducated, migrant brutes that wander from place to place seeking seasonal employment. The discussion under that heading is unacceptable, and not representative of real life.

On page 3-190, the DEIS states: “**Because many timber workers have a highly developed occupational identity and set of job skills, it is difficult for them to quickly and easily adapt to other occupations;**” and:

Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them.

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We feel that this is discriminatory against people that work in the timber-related industry, and another example of the bias used in the DEIS to persuade non-informed people to support any of the “action alternatives.”

Another disturbing quote was “Some people point out that once the trees are gone, the jobs will be gone anyway.” The only reason that trees would ever be “gone” would be due to a lack of proper management. We feel that implementation of proposed rule would be a beginning of such management (or lack thereof). Timber is a **renewable resource**. We harvest much less timber annually than is grown. How could we run out of timber? The problem does not lie in the unavailability of the timber. It lies in the lack of cooperation from management agencies to put it up for sale, and follow through. That is what makes the timber harvest activities “unstable,” as the DEIS puts it. The lack of timber is not an issue here – it is administrative problems.

Page 3-208 Local Involvement

Although the DEIS states contrary, a national prohibition would have a tremendous effect on local involvement. This would create a blanket of irreversible prohibitions that would apply to every forest, regardless of their local needs and conditions. The Forest Service has failed to address the point that each individual forest should be – and must be – managed differently. The Tongass National Forest in Alaska is, and should be, managed differently than the Dixie National Forest in Utah. By placing this blanket of prohibitions, local involvement would have an insignificant scope. If the local agencies and interested parties are not allowed to decide in what manner the local forests should be managed, local involvement does not matter at all. This is an attempt to implement “top-down” procedures and regulations, and will result in an unhealthy forest, the loss of local autonomy, and the loss of many, many jobs. We hope the Forest Service would reconsider this policy.

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Page 3-209 Forest-Dependant Communities

The DEIS makes the point that

The community has little influence on the business decisions made by firms operating in their area, while the firms have little influence on macroeconomic forces that influence their operations.

While the above may be true in large cities, in rural communities where the firm and operation are run locally, by local managers, and owned by local businessmen, the community and the firm have a reciprocal, influential relationship. What makes rural communities vulnerable to the “boom/bust cycles” was explained above by the lack of cooperation by land management agencies, not a non-influential relationship between the community and firm.

On page 3-213, under the Dixie National Forests, Panguitch and Escalante, two communities from our county, are listed as having a potential to be affected by the prohibitions on road construction and reconstruction and timber harvest.

The DEIS states that a national prohibition would have “minor” effects on the national and regional, social and economic systems of the United States of America. While this may be true on a national level, at a local level, impacts are going to be dramatic and difficult to live with. We hold firm to our belief that forests are better managed at the local level with public input.

The DEIS also stated that Wilderness areas and roadless areas bring in invaluable monies to the local economies. If this were true, Garfield County would be one of the more well-to-do counties in the nation. Approximately 96% of Garfield County is either state or federally owned. In addition, Garfield County is home to one national forest, various national parks, one national monument, one national recreation area, one Wilderness area, and parts or all of fifteen Wilderness study areas. However, Garfield County ranks second to lowest in income in the State of Utah. This shows that steady jobs must be provided by allowing multiple-use management on federal and state lands, permitting local residents to have a primary-income job,

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thus stabilizing the economy.

Page 3-218 Table 3-55

Table 3-55 shows timber harvesting operations in Garfield County as employing a mere 19-20 workers. However, this response has shown evidence that one operation – Utah Forest Products in Escalante, Utah – employs 79 full and part-time workers. Once again, we ask that these discrepancies be resolved so a fair and unbiased EIS can be published.

Summary

Garfield County objects to all of the “action alternatives” of the Draft Environmental Impact Statement for Roadless Area Conservation from the Forest Service for the following reasons:

1. The DEIS does not highlight drawbacks to roadless areas sufficient to make an unbiased DEIS.
2. The definitions contained in the DEIS are too broad, and are not logical.
3. The inability to construct or reconstruct roads, including temporary road construction, does not allow the Forest Service to maintain a safe traffic network on Forest Service lands.
4. Garfield County believes that this Roadless Initiative is merely an administrative attempt to create de-facto Wilderness where none actually exists.
5. The alternatives to traditional and current harvesting methods (i.e. helicopter logging, yarding, etc.) are unfeasible, and should not be considered as reasonable methods to continue timber harvesting practices on unroaded portions of inventoried roadless areas.
6. A blanket of procedural mandates and recommendations would be unnecessary and expensive.
7. We believe that any changes from the current policy should be made by amending the current forest plan, or by performing environmental analyses, but only on a case-by-case basis, when raised as an issue.

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8. We do not believe that the DEIS adequately shows the loss of timber-related jobs in the United States.
9. Any of the “action alternatives” do not allow for the increase in demand for the timber products and other natural resources found on Forest Service land.
10. The implementation of the proposed rule would increase the amount of catastrophic forest fires, and decrease the ability of fire suppression agencies to control such fires.
11. Implementation of the proposed would make infestations of insects and disease more probable and more likely to occur on unroaded portions of inventoried roadless areas, which is contrary to the policies of Garfield County, and the policies of the Forest Service.
12. The proposed rule would limit timber sales, and in doing so, would eliminate the least cost method of “improving wildlife habitats, reducing fuels that may increase fire risk, recovering timber value from natural disasters such as windstorm or fire, combating insect and disease infestations, and improving tree growth.”
13. Due to past and current experience, we do not believe that scenic quality will be compromised by construction or reconstruction of permanent and/or temporary roads for timber harvesting purposes.
14. Implementation of the proposed rule would negatively affect the biodiversity and health of the forest.
15. Non-recreational special uses not associated with valid existing rights would not have place on Forest Service lands, which in turn, would not allow for expansion of utility lines, linear irrigation facilities, and/or communication sites.
16. The proposed rule would limit the access and inhibit the ability to extract fossils and other geological and paleontological resources from unroaded portions of inventoried roadless areas.
17. The proposed rule would make it more difficult, if not impossible, to control and suppress fires due to lack of fuel maintenance, by restricting access on these Forest Service lands.
18. The implementation of the proposed rule would undermine the attitudes, beliefs, and values of people holding multiple-use standards.

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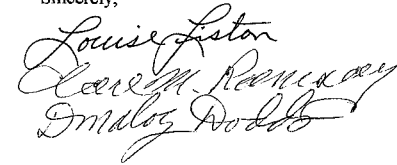
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19. The implementation of the proposed rule would potentially threaten the individual and cultural identities of rural towns and counties that rely on multiple-use/sustained yield standards for their livelihoods.
 20. Many of the roads that would be constructed on unroaded portions of inventoried roadless areas would be closed when no longer needed for the particular development activity for which they were constructed.
 21. The construction and reconstruction of roads and/or temporary roads does not have any bearing on species diversity.
 22. Upon implementation of the proposed rule, nearly 200 timber-related jobs in Garfield County alone would be lost.
 23. In Garfield County, 67% of forest lands on National Forests are either in Wilderness, or within the boundaries of RARE II roadless areas.
 24. Because timber is a renewable resource, when managed properly, we do not run the risk of exhausting all of the available resources.
 25. Implementation of the proposed rule would eliminate local involvement in the forest planning process, and would nearly eliminate the need for any local planning, since road construction, reconstruction, and timber harvesting standards would be set at a national level, and could not be changed or manipulated on a local level.
 26. Rural communities and counties have a reciprocal, influential relationship with locally-owned timber-related operations and firms.
 27. Although the DEIS states that a national prohibition would have minor effects on the national and/or regional social and economic systems of the United States of America, it fails to mention the impact that it would have on rural communities and counties, such as Garfield County.
 28. Since implementation of the proposed rule would obviously have a negative affect on forest health, we must question the motives behind the roadless initiative.
 29. The DEIS does not present this matter in an unbiased fashion.
 30. Garfield County believes that management decisions for national forests should be made – and are best made – on the local level, where economic, social, and environmental concerns can be taken into consideration by people and officials who are located in that

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- area, rather than a top-down management organization.
31. Legitimate need for a nationwide roadless policy was not shown in the DEIS; the assumption that such a policy is necessary is not sufficient.
 32. The DEIS fails to comment on the impact on local county budgets on search and rescue, fire suppression, noxious weed control, etc.
 33. The proposed rule would create forest lands only accessible to an elite few from land management agencies.
 34. The DEIS does not consider humans as part of the natural ecosystem.

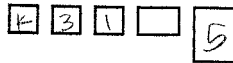
For the aforementioned reasons, Garfield County publicly declares its strenuous objection to all of the “action alternatives” as set forth in the Draft Environmental Impact Statement by the Forest Service for Roadless Area Conservation.

Sincerely,



Board of Commissioners of Garfield County, Utah

TDO



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NATIONAL FOREST SERVICE
ROADLESS AREA CONSERVATION
STATEMENT FROM IRON COUNTY
PUBLIC HEARING
JUNE 27, 2000 7:00 PM

*Utah
(road at Dixie NF
public comment
meeting, 60.00.27)
Cedar City, Utah*

It is rather ironic that just yesterday the Iron County Commissioners passed the resolution so Iron County now formally becomes a party to the State of Utah and other counties filing suit against the federal government over RS-2477 roads. The State of Utah and the participating counties are equal partners in this effort.

At the present time, Iron County is dealing with a host of Federal issues, including endangered species (prairie dogs), RS2477 roads, wilderness and now roadless area conservation. At times we wonder if the national government really is serving the public on these issues?

Quoting from the Iron County General Plan regarding wilderness designation, "Iron County recognizes the need for wilderness areas within the county lines. A portion of land within the county is designated as wilderness-those areas being Zion National Park, Cedar Breaks National Monument and Ashdown Gorge. **These existing areas satisfy wilderness needs within the county.**"

The wilderness issue is coming down, in many cases, to a roads issue. Is this roadless area conservation just an attempt to make more wilderness?

We don't want more wilderness in Iron County!

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Your map I obtained last Thursday showing six (6) roadless areas on the Dixie, immediately east of Cedar City and in Iron County, shows existing roads in a least two (2) of these six (6) areas:

Again, quoting from the Iron County General Plan, "Access and Transportation, Currently within Iron County are many roads, trails, and paths which are used for everything from access to traditional agricultural concerns and livestock movement to timber harvesting to recreation areas. Iron County is committed to maintaining the unrestricted use of those roads, paths, and trails for these and similar activities. These roads, paths, and

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trails have been identified by the county under the provisions of RS 2477. For more information regarding the preservation of those accessways, please refer to RS 2477 Rights-of-Way page 51, Livestock Trails Map page 52, and Appendix G, pages 122-129."

Again quoting from page 29 of the Iron County General Plan Goal LU8.0 "Maintain and improve the valid existing rights-of-way across public and private lands in accordance with appropriate safety standards and public need."

Goal LU8.5 "**Iron County shall actively defend** the right to maintain and control all existing paths, roads, and trails, which traverse federal and state lands, as County Rights-of Way under provision of RS 2477.

In any action, quality is the wise choice of the best alternative. It appears to us that a roadless designation takes an alternative off of the table of future decisions. Why take an alternative off of the table? If an area doesn't need a road, simply don't build it. But, don't unnecessarily take the alternative of ever building it off of the table. We can think of a number of reasons why a road may be necessary.

1. mineral discovery/extraction
2. fighting fires
3. timber harvest
4. control noxious weeds
5. public safety
6. water development
7. hunting and recreation

and the list goes on.

Can timber be harvested economically in these small areas by helicopter? If it can't be harvested economically, will it just be wasted?

"Waste not, want not!"

In our opinion, it was tragic two weeks ago when Mr. Ron Wilson had to tell the Iron County Commissioners and the mayors from each community in Iron County and others that "Every spruce tree on that mountain is going to die because of the beetle." Couldn't this have been prevented with

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appropriate and timely harvesting with roads? Might we see this circumstance again in the future? Will we need roads then?

Generally speaking, we have been able to work productively with local officials i.e., Forest Service, Bureau of Land Management or National Parks. Many times, however, these ideas that come from the upper bureaucratic levels seem and are unreasonable and unproductive.

In summary, we like the present management plan for the Dixie National Forest. It isn't broken and we don't see the need to fix it.

Prior to July 17, 2000 we will be back with additional written comments in reference to our own inventory of roads in these areas.

Thank you,

Iron County Commissioners (Utah)
Lois L. Bulloch, Chair
Dennis Stowell
Gene Roundy

Statement read by:
Stephen R. Platt, P.E.
Iron County Engineer

RESPONSE TO PROPOSED RULE MAKING - ROADLESS AREAS

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
Roadless/wa_caet-slc@fs.fed.us.
P.O. Box 221090
Salt Lake City, Utah 84122

⑤

Re: Iron County comments and recommendations in response to the Federal Register Notice of May 11, 2000 for the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement.

Once again we must go on record and oppose President Clinton's and Chief Dombek's roadless area policies that would limit new construction and reconstruction in areas on the Dixie National Forest in Iron County, Utah.

The DEIS appears to be based on mostly antidotal references with little substantive and factual research based analysis and results. Can you tell us why this is?

This administration's policy to appease a class of special interest groups is simply misplaced in the new Proposed Roadless Area Conservation Rule and Draft Environmental Impact Statement (DEIS). Forest habitats, ecosystems and watersheds do not last long under glass like an old museum piece. We are talking about living and functioning forest ecosystems!

In order to sustain and maintain forest habitats and watersheds, disturbance must be recognized and managed as the means of nurturing healthy functioning ecosystems. The DEIS expends a great deal of effort in trying to justify a predetermined politically motivated outcome. This appears to us to be in the name of preservation politics only. These rationalizations will not prevail over extended periods of time ecologically and practically. Mankind by now has learned that nature doesn't always function and exist, as we would have it. Nature, which includes the land and its occupants, operates in a complex sort of patterns whose underpinning is renewal by disturbance.

The question here is why cannot a managed cycle of ecosystem renewals be obtained through programmed disturbances rather than setting up forest ecosystems for a series of catastrophic losses by fire and insects such as the present infestation that is decimating the spruce forests in our county near Brain Head, Utah. These catastrophic losses do not have to be inflicted upon our forest, which include the plants and animals that are dependent upon milder disturbances.

In our earlier comments on this subject in the Notice Of Intent (NOI), we pointed out these policies are little more than land grabs placing huge forest areas in our county in "DeFacto Wilderness" status. We also stated that the administration's position on inventoried roadless areas appears to be already predetermined. We strenuously objected to the tone in this DEIS and the one-

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way track that all of this appears to be heading. This one way track does not appear to have changed one inch since our comments regarding the NOI. Our Iron County Board of Commissioners represents the people of rural areas in the County, who have very little voice in the national public lands debate. This DEIS in its delivery references "social values"; these so called "social values" are in fact poorly disguised special interest postures that are designed for national membership and fund raising campaigns aimed at urban Americans. There seems to be little regard for the realities of rural people's need for access to public lands and resources in Utah. This debate unnecessarily pits Americans against each other over something that is greatly misunderstood by this administration including top management of the US Department of Agriculture and the Forest Service. The Chief of the Forest Service and his line officers keep emphasizing and talking about "collaborative partnerships". All we see are unfair national decisions being made by the Undersecretary of Agriculture who, to date, is trying to imprint his personal preservation biases on forested landscapes at the expense of "multiple uses".

All this is counter to the efforts of forests like the Dixie that is working with our county on the forest plan revision process. Why are local forest plans and concomitant revisions being circumvented by this proposed new rule? Does not the situation beg the question; shouldn't the problems and opportunities of access, resource management and conservation be best handled at the time of plan revision for local and informed solutions?

In our comments to the NOI we stated that "the majority of public lands under the administration of the Forest Service suffer from a lack of comprehensive land use zoning policies and objectives. We have the experience and capability at the county level to deal with complex and competing needs or uses that can be applied to forested landscapes in Southern Utah counties." "Top down directives such as this proposed roadless area rule of this magnitude is poorly thought out and vetted by professional forest managers who surely know better. The proposed rule has less to do with managing the existing road system as much as it is to limit access to inventoried roadless areas. Frankly, if the Forest Service has a problem with lands in other parts of the country such as Alaska, deal with them there, do not for heavens sake, saddle us in Southern Utah with solutions and fixes that apply elsewhere."

Forest Health

Once again as we commented for the NOI, the DEIS "is extolling the values and virtues of roadless areas, it would be more forthright if there was mention of some of the drawbacks to roadless areas. The document makes no effort at all to explain to the public the value of roads in conducting activities to enhance ecosystem sustainability. The DEIS also repeatedly use the word "protect" to describe the intentions of Roadless Areas. "Protect" is a very deceptive word to use when precluding any proactive management dependent on vehicular access. The entire Western National Forest System is in a profound forest health crisis and more often than not, areas that have not been treated silviculturally are the areas where large insect epidemics and catastrophic fires

start. The Dixie National Forest is a good example in that areas that have been previously entered under a variety of silvicultural methods and are demonstrating significantly reduced susceptibility to insect epidemics compared to areas that are unmanaged and untreated.

Ecological Sustainability

Many wildlife species are now more plentiful than at any time in the history of the Forest Service (deer, elk, antelope, wild turkey, and bald eagle) and many other non-game species of concern are also doing well or at least are not being harmed by current management. It is unprofessional to blame roads for all wildlife concerns. Even acknowledging that some roads in other areas have degraded some fisheries, does not mean that the situation can't be managed without mindless and extensive national policy prohibitions.

Simply parking large forest land tracks in a preserved "roadless area" status fails to recognize that forest and grassland systems are ever changing and evolving and not static. These valuable ecosystems have always been renewed by nature's disturbance regimes. To add insult to that injury "roadless area" designation perpetuates and further degrades vital ecosystems processes in pinion juniper forests, sagebrush-dominated grasslands and municipal watersheds

Wilderness Designations

We commented extensively for the NOI about the oft-mentioned drawbacks of current "Wilderness" is that it excludes a large portion of the public who are not physically or financially able to gain access by foot or horseback. More millions of acres of de facto wilderness will only aggravate this situation. As you have noted, the RARE I and RARE II processes of the 1970's inventoried roadless areas for their "Wilderness" character and value. Thus many inventoried roadless areas have not achieved congressionally designated Wilderness status. Many Wilderness bills passed by Congress intended for areas not selected to revert to full multiple use management, and not to be held in a de facto wilderness category initiated by a preservationist oriented administration. Before and since the NOI and with this DEIS many National Forests, including the Dixie, have used their GIS technology to re-inventory all roadless areas. Your proposal would thus place these inventoried and poorly NEPA processed areas in the more restrictive part of the proposed process instead of relying on the previous work undertaken in the more comprehensive RARE I and RARE II programs. The DEIS and the previous NOI also appears to be silent on the objective of seeking congressional Wilderness designation of a portion of the roadless inventory and releasing the balance of the inventory back to multiple uses. Why is this?

Community and Economic Impacts

Once again we must point out that we have argued for accesses to public lands along with balanced multiple use. They are the issues of the day that are facing us in Southern Utah. Our communities have evolved historically and

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culturally under the backdrop of the nearby public lands. Generations have been raised and nurtured by the land and its resources. Our communities were developed by hard won efforts to simply exist and then to prosper and raise families and to educate our young. We have a strong identity and reliance to the land and conservation and sustainment of natural resources and communities. It is our belief that sustainable forests and grasslands are dependent upon nearby sustainable communities and vice versa.

Payments to Counties

Although it is not a major source of income in our county budget, we definitely count on the 25% of gross forest receipts or the alternative PILT funds to compensate us for the huge proportions of federal lands that our counties are comprised of. This proposal will have the definite effect of reducing these critical and necessary funds. In Southern Utah we are not seriously included in your efforts elsewhere to retrain workers whose natural resource based jobs have been or will be eliminated. We also object to your using this Roadless Initiative as an excuse to revive this Administration's already failed attempt to de-link National Forest revenues with payments to counties and states. As we approach a balanced budget nationally, we do not need another "entitlement" encumbrance.

County operations are very dependent upon the productivity of natural resources and their wise utilization. All Forest Service receipts are important to local governmental budgets. Roadless areas do not provide a revenue stream in order to off set county expenditures in forest land settings. Rural counties with overly restrictive embargoes on natural resource production including roadless areas are subject to the whims of the annual federal appropriations for PILT payments process and are always uncertain at best. **It is far better to conserve and utilize resources than it is to unnecessarily restrict access to the land and its resources.**

Access

It is possible that this Roadless Area Conservation Rule may trigger an issue of such magnitude as to bring the Forest Service to its knees if it ignores the issue of RS2477 roads claimed by counties. There are literally thousands of RS 2477 claims awaiting resolution across the West and a significant portion of them are in "roadless" areas. Perhaps this is avoided by including them under "valid existing rights" but we doubt you are making that concession. This initiative will tend to short-circuit the collaboration necessary for local governments to negotiate with the Forest Supervisor to resolve RS2477 issues. Some of this negotiation has already been going on and Iron County in Southern Utah is a good example. Iron County has relinquished some of its RS2477 claims where it made sense to do so and retained others. It is becoming obvious that your proposed national direction or policy on managing inventoried and non-inventoried roadless areas will decrease the decision space in land management planning for Local Forest Supervisors and the public that is being invited to collaborate with them in this process.

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We also question if you truly intend for "valid existing rights" to include the historical vehicular access used by grazing permittees. This could easily be interpreted to exclude the historical vehicular access used in managing the "privileges" of a grazing permit and include such activities as construction and maintenance of fences, water developments and salting. Such use is often grandfathered in on actual Wilderness legislation and should be specifically provided for in this proposed rule.

We should all remember The Enabling Act for the National Forest System passed in 1891, thus creating a movement for separate forests and additions to forest reservations to be created by Acts of Congress and Presidential Proclamations. Except for entries under the mining laws and water right appropriations, this closed the national forests to any more unilateral appropriation of public land for roads and trails. The method of creating rights-of-way for roads and trails on the national forest under state law stopped. **Management of those existing public roads and trails on the national forests continued to be under the jurisdiction of the counties unless abandoned under state law provisions.** Why is an area that has roads in it "inventoried roadless"? Our Iron County RS2477 road map shows roads that are not shown in areas that your legend indicates is roadless. We take the position that these roads must remain open to the public. Specifically, some of these roads are:

1. In Section 7, T. 33 S., R. 7 W., SLB & M, a road beginning in the NW corner and running SE'ly approximately ½ mile to just past the center of the section.
2. Roads in Sections 4, 5, 8, and 9 T. 33 S., R. 6 W., SLB & M.
3. A road in Sections 28, 29, and 33, T. 33 S. R. 6 W., SLB & M.
4. A road in Sections 22, 27, 28, 33 and 32, T. 35 S., R. 8 W., SLB & M.
5. A road in Section 33, T. 36 S., R. 15 W., SLB & M.
6. A road in Section 13, T. 37S. R. 9 W., Sections 18, 7, 6, T. 37 S. R. 8 W., Section 31, T. 36 S., R. 8 W. all SLB & M.
7. A road in Sections 15, 16, 21, 22, 23, 26, T. 36 S., R. 18 W., SLB & M.
8. A road in Sections 19, 30, 31, T. 36 S., R. 18 W., SLB & M.
9. A road in Section 24 T. 36 S., R. 19 W., SLB & M.
10. A road in Sections 25 and 26, T. 36 S., R. 19 W., SLB & M.

11. A road in Sections 13, 23, 24, T. 36 S., R. 18 W., SLB & M
12. A road in Sections 15 and 22, T. 36 S., R 19 W., SLB & M.

This list is not all-inclusive. There are also range paths/trails, which we are intending to preserve for the public.

Alternatives

We are opposed to a unilateral prohibition against new road construction and reconstruction. We believe that road management policies must accommodate road locations and timing of entry in order to facilitate resource conservation and management. We oppose road closure and we feel that it would be a far wiser management choice to maintain the current road system and to develop new roads with provisions for controlling numbers and types of vehicles based on valid resource needs. This must be worked out and negotiated with each individual county, retaining roadbeds and prioritizing the road budget to limit resource degradation. Every new road does not have to remain open to traffic any longer than necessary to allow access for needed project and management works. We are certainly not supporting the concept of indefinitely roading the National Forest and leaving them open but must support a road system necessary to meet the intent of the Forest Service Organic Act and the Multiple Use-Sustained Yield Act.

We have some real concerns concerning recent Roadless Area inventory. Number of acres alone is not a real good criterion as it is possible with GIS technology to identify sizable areas in a pattern of fingers that would be virtually impossible to manage on the ground. There has got to be some depth and width criteria for these areas in order to make them meaningful and manageable. Also, we feel that designating areas as small as 1000 acres will result in a series of small "hands-off" islands across the landscape that will be unmanageable, unenforceable and the potential infection sources of continued forest health problems.

This DEIS document tries to prejudice the reader right off with a series of miss-truths. The first statement "Although they make up only a small percentage of the nation's total land-base, roadless areas are critically important for the long-term ecological sustainability of the nation's forests" is a good example. Roadless areas are critically important for the long term sustainability of the nation's forests but not just because they are roadless. They are important because they contain the resources, uses and values inherent to all National Forest lands. They are not "a small percentage" in many national forests and may occupy 30-50 percent of many national forests, especially the Dixie and Fishlake National Forests in Southern Utah. In fact, 50 million plus acres is over 25% of the land base of the entire National Forest System. It is just plain arbitrary and capricious, and probably illegal, to presume to lock up this immense area without congressional approval and legislation.

The DEIS references as one of the positive benefits of roadless areas as "reference areas for research." The Forest Service already has an active and

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adequate program of identifying Research Natural Areas, usually 300-1000 acres, for just that purpose and it is simply ludicrous to infer that literally millions of acres more is actually needed for that purpose. We commented on this in our response for the NOI. It would seem that our comments have been ignored in the preparation of the DEIS? We've not seen any answers to our concerns and factual comments.

In the DEIS why is commercial timber harvest added to the prohibition for new road construction and reconstruction? Some areas, especially on the Dixie National Forest, can be harvested with helicopters and long skid routes without much road construction or reconstruction. Thus, we feel that this statement flags the real intentions of forwarding a preservationist agenda.

We urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

Summary

In summary and including all of the above comments and suggestions, we feel this Roadless Initiative is counter productive to the intent of the Multiple Use Sustained Yield Act, the National Forest Management Act, and to the newly proposed regulations for forest and grasslands management planning. Every time restrictive national policy is imposed, the decision space for local collaboration with local government and communities is diminished. There are so many varied situations on the ground that no one national policy on roadless area prohibitions should take precedence over local knowledge and cooperation with dependent, forest users and communities. Once again, we urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

We appreciate the opportunity to comment on the proposed DEIS and to make specific recommendations for the proposed rule making process.

Sincerely,

IRON COUNTY BOARD OF COMMISSIONERS



Lois L. Bulloch
Iron County Commission Chair

cc: Senator Robert F. Bennett
Senator Orrin G. Hatch
Congressman Christopher Cannon
Congressman James Hansen
Governor Mike Leavitt
The Spectrum
Southern Utah News

28911

Sent By: Juab County;

435 623 3438;

Jul-14-00 2:04PM;

Page 2

Sent By: Juab County;

435 623 3438;

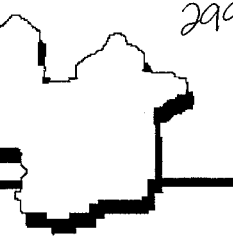
Jul-14-00 2:05PM;

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Juab County

The "Key" County of Utah



29957

Juab County Center
160 North Main
Nephi, Utah 84648

Board of Commissioners:
William Boyd Howarth,
Chairman
Joseph A. Bernini
Robert L. Steele
Tele. (435) 623-3407
Fax (435) 623-4609

Administrative Assistant
Mike Seely
Tele. (435) 623-3407

Assessor
Shirl J. Nichols
Tele. (435) 623-3425

Attorney
David O. Leavitt
Tele. (435) 623-3460

Clerk/Auditor
Patricia M. Ingram
Tele. (435) 623-3410

Economic Development
Glenn W. Greenhalgh
Tele. (435) 623-3400

Justice Court Judge
Nephi Precinct
Sharla T. Williams
Tele. (435) 623-3440

Recorder
Craig J. Sperry
Tele. (435) 623-3430

Road Department
Robert R. Garrett
Tele. (435) 623-1593

Sheriff
David H. Carter
Tele. (435) 623-1314

Treasurer
Jean H. Bowles
Tele. (435) 623-3420

USDA Forest Service - CAET
ATTN: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, UT. 84122

Date: July 14, 2000

Re: Comments on the Uinta and Manti La Sal National Forest Roadless Area Proposed Rule

To Whom It May Concern:

The Juab County Commission and many Juab County residents attended public meetings and commented and reviewed the draft of the Uinta National Forest Roadless Area Proposed Rule. The Juab County Commission was elected by and therefore represents approximately 8,000 residents in Juab County. Please give proportionate consideration to Juab County's comments for these 8,000 people.

Juab County has serious concerns and comments regarding the continued use of Recreational, Off Highway ATV's and Snowmobiles in the Forest. Juab County strongly believes that there must be full access to the Forest for those taxpayers owning ATV's and Snowmobiles. Please do not close roads or trails that have been used by ATV's or motorized vehicles in the past. Also, Juab County request that additional ATV trails be designated and constructed in order to provide additional ATV access so taxpayers can more fully enjoy the Forest.

For the elderly and those Americans with disabilities or failing health, ATV and snowmobile access may be the only access they have to the Forest. We urge the Forest Service to better address the needs of individuals whom are unable to hike into wilderness and other recreations areas by expanding the Uintah National Forest's transportation network for motorized recreational vehicle and off highway vehicle access.

By closing roads in the Forest, the Forest Service is not fairly or properly considering Juab County's General Plan which provides for multiple use of public lands including mining, logging, recreation, livestock grazing, economic development, roads and road uses, etc. Please review Juab County's General Plan and revise the proposed roadless rule accordingly to allow for multiple use access. Failure to consider Juab County's

Roadless Area Proposed Rule
July 14, 2000
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General Plan which requires multiple use of public lands will damage Juab County's economy. Will the Forest Service pay for permanent economic damages by declaring areas roadless?

Closing Roads on Forest Lands essentially create "DEFACTO WILDERNESS". Once roads are closed, Forest Service Officials will undoubtedly begin managing Roadless Areas as wilderness and the roadless public lands will then become no different than wilderness.

The Forest Service has made representations that roads need to be closed due to insufficient budgets to maintain such roads. Substantial taxpayer dollars are obviously being expended on the proposed Roadless Area Conservation Rule. These roadless expenditures could have gone a long, long way towards maintaining the roads in question in the first place. Instead, these funds are being spent to supplicate a political agenda of an administrative order to the Forest Service that serves only the interests of private special interest right wing environmental organizations. Juab County requests that this process be discontinued immediately and that the funds be properly diverted for necessary road maintenance.

Juab County and the State of Utah are currently partner's in a Quiet Title Legal Roads Action against the Federal Government. The U.S. Forest Service is a party to this Action. This action is for RS2477 Road Rights-of-Way given to the County for which the Forest Service also claims title to the same roads. This litigation is and will continue to be expensive to taxpayers at all levels in and of itself. Juab County therefore requests that no additional roads be closed by the Forest Service until the RS2477 Quiet Title Action has been settled. If the Forest Service closes a road it may well be later proven to be a County Road and the Forest Service could be held responsible for Financial Damages of various kinds for taking road closure actions on roads it may have no legal right nor authority to close. The prudent approach would be to allow this litigation to take it's course prior to implementing this Roadless Rule. Closing Roads without allowing this action to take its course will surely result in additional litigation and damage settlements which will further erode Forest Service budgets unnecessarily.

Juab County questions whether a thorough, independent and unbiased study of all of the impacts on the Forest and adjacent communities by closing existing Roads was performed and properly documented. Therefore, Juab County request copies of studies, maps and any other documentation or information used by the Forest Service which justifies the basis for the proposed Roadless Area Conservation Rule.

We do not believe that the proposed Roadless Area Conservation Rule meets the NEPA requirements. This proposed Rule may not stand up to any kind of NEPA challenge. Therefore, Juab County requests a written detailed analysis of how this Roadless Area Conservation proposal will meet NEPA requirements.

Juab County is concerned that a mineral resource analysis does not appear to have performed or mapped. Whatever is not grown must be mined. The Forest Service must insure that a proper, thorough mineral resource analysis is performed including the impact on patented and unpatented mining claims and related property rights if this rule passes. Juab County requests

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Roadless Area Proposed Rule
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copies of maps and other documentation detailing and describing the mineral resources in the proposed roadless areas and how these resources can be accessed if roads are closed.

It appears that the Forest Service has also not completed a study of the water rights in the proposed roadless areas and the impact of closing roads on these water rights. Private Irrigation Companies and Individuals have previously been damaged by establishing improper wilderness boundary lines which include irrigation and culinary water sources inside the Mt. Nebo Wilderness areas. When considering closing roads, the Forest Service must be more cautious to allow motorized access for maintenance of such systems which is afforded by roads. Therefore, Juab County requests copies of maps, studies and other documentation detailing and describing what studies or analysis has been performed on existing water rights, water systems and the related proposed road closures.

It does not appear that an analysis regarding road access to private property has been performed. What considerations or analysis have been made regarding ingress and egress for private property rights pursuant to 16 U.S.C. Sec. 1134? Please provide copies of such studies, maps, analysis, etc relating to closing roads in areas where private property rights.

Juab County residents have been previously damaged economically by the reduction and restriction of livestock grazing in the Uintah National Forest since the creation of the Mt. Nebo Wilderness in 1984. The AUM's have been drastically reduced to virtually nothing inside the wilderness area yet grasses and other ground feed approach "waist height" during summer months. Juab County is concerned that proposing road closures will result in even less livestock grazing. What studies, analysis, and impact reviews have been made of livestock grazing on Mt. Nebo pertaining to current and additional road closures? Please provide copies of such analysis and documentation.

What analysis, considerations and planning has been performed regarding the impact on disabled and elderly Americans accessing the Forest with current and additional proposed road closures? A significant problem already exists in currently designated wilderness and non wilderness Forest areas wherein these individuals are denied motorized access. We urge the Forest Service to consider solutions to this unacceptable and unjust restriction on our elderly and disabled residents. A reasonable solution to this problem would benefit the entire Nation and not just the Uintah or Manti LaSal National Forests and Juab County.

Fire Fighting, Search & Rescue, Law Enforcement and Invasive Noxious Weed Control all require motorized access into the Forest. We request the Forest Service carefully consider the impacts on these emergency services if roads are closed and how such services could possibly be delivered without road access.

Sufficient information must be presented to provide a basis to make an informed and reasoned decision. (See N. W. Indian Comm. v. Peterson, 565 F. Supp 586).

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The position of the Juab County Commission with regards to the Roadless Area Conservation proposal is that further analysis, study and serious considerations must be made. Our position is that all roads remain open and that the Forest be used under the multiple use concept.

Thank you in advance for your consideration, further analysis and response to our concerns.

Sincerely,

Wm. Boyd Howarth, Chairman
Juab County Commission

July 17, 2000

USDA Forest Service-CAET
 Attention: Roadless Areas Proposed Rule
 Roadless/wo_caet-slc@fs.fed.us.
 P.O. Box 221090
 Salt Lake City, Utah 84122

Re: Kane County comments and recommendations in response to the Federal Register Notice of May 11, 2000 for the Roadless Area Conservation Proposed rule and Draft Environmental Impact Statement.

Once again we must go on record and oppose President Clinton's and Chief Dombek's roadless area policies which would limit new construction and reconstruction in areas on the Dixie National Forest in Kane County, Utah and on the North Kaibab Ranger District on the Arizona Strip.

The Draft Environmental Impact Statement (DEIS) appears to be based on mostly antidotal references with little substantive and factual research based analysis and known facts. Can you tell us why this is?

This administration's policy to appease special interest groups is plainly misplaced in the new Proposed Roadless Area Conservation Rule and DEIS. Forest habitats, ecosystems and watersheds do not exist under a glass cover in an old museum. Forest ecosystems are living and functioning forest bio-systems!

In order to sustain and maintain forest habitats and watersheds, disturbance must be recognized as the means of sustaining healthy functioning ecosystems. The DEIS expends a great deal of effort in trying to justify a predetermined politically motivated outcome. This appears to us to be in the name of narrow preservation politics only. These rationalizations will not prevail over extended periods of time ecologically and practically. You should have by now learned that nature doesn't always function, as you would have it. Nature, which includes the land and its occupants, operates in a complex and chaotic pattern whose underpinning is renewal by disturbance.

The question here is why cannot a managed cycle of ecosystem renewals be obtained through programmed disturbances rather than setting up forest ecosystems for a series of catastrophic losses by fire and insects. Such as the present infestation that is decimating the spruce forests in Iron County near Brain Head, Utah. These catastrophic losses do not have to be inflicted upon our forests. In our earlier comments on this subject in the Notice OF Intent (NOI), we pointed out these policies are little more than land grabs placing huge forest areas in our area in "Defacto Wilderness" status. We also stated that the administration's position on inventoried roadless areas appears to be already predetermined. We strenuously object to the tone in this DEIS and the one-way track that all of this appears to be heading. This one way track does not appear to have changed one inch since our comments regarding the NOI. Our Kane County Board of Commissioners represents the people of rural areas in the County, who have very little voice in the national public lands debate. This DEIS in its delivery references "social values"; these so called "social values" are in fact poorly disguised special interest postures that are

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designed for national membership and fund raising campaigns and are aimed at urban Americans. There seems to be little regard for the realities of rural people's need for access to public lands and resources in Utah and Northern Arizona. This debate unnecessarily pits Americans against each other over something that is greatly misunderstood by this administration including top management of the US Department of Agriculture and the Forest Service. The Chief of the Forest Service and his line officers keep emphasizing and talking about "collaborative partnerships". All we see are unfair national decisions being made by the Undersecretary of Agriculture who, to date, is trying to imprint his personal preservation biases on forested landscapes at the expense of "multiple uses".

All of this is counter to the efforts of Forests like the Dixie and Kaibab that are working with our county on the forest plan revision process. Why are local forest plans and concomitant revisions being circumvented by this proposed new rule? Does not the situation beg the question; shouldn't the problems and opportunities of access, resource management and conservation be best handled at the time of plan revision for local and informed solutions? In our comments to the NOI we stated that "the majority of public lands under the administration of the Forest Service suffer from a lack of comprehensive land use zoning policies and objectives. We have the experience and capability at the county level to DEIS with complex and competing needs or uses that can be applied to forested landscapes in Southern Utah and Northern Arizona. Top down directives such as this proposed roadless area rule, and this magnitude, is poorly thought out and obviously not vetted by professional forest managers who surely know better. The proposed rule has less to do with managing the existing road system as much as it is to limit access to inventoried roadless areas. Frankly, if the Forest Service has a problem with lands in other parts of the country such as Alaska, deal with them there, do not saddle us in Southern Utah with solutions and fixes that apply elsewhere."

Forest Health

Once again as we commented in the NOI, this DEIS "is extolling the values and virtues of roadless areas, it would be more forthright if there was mention of some of the drawbacks to roadless areas. The document makes no effort at all to explain to the public the value of roads in conducting activities to enhance ecosystem sustainability. The DEIS also repeatedly use the word "protect" to describe the intentions of Roadless Areas. "Protect" is a very deceptive word to use when precluding any proactive management with dependent vehicular access. The entire Western National Forest System is in a profound forest health crisis and more often than not, areas that have not been treated silviculturally are the areas where large insect epidemics and catastrophic fires occur. The Dixie and Kaibab National Forests are a good example showing that areas that have been previously treated silviculturally have significantly reduced susceptibility to fire and insect epidemics compared to areas that are unmanaged and untreated.

Ecological sustainability

Many wildlife species are now more plentiful than at any time in the history of the Forest Service (deer, elk, antelope, wild turkey, and bald eagle) and many other non-game species of concern are also doing well or at least are not being harmed by current management. It is unprofessional to blame roads for all wildlife concerns. Simply parking large forest land tracks in a preserved "roadless area" status fails to recognize that forest and grassland systems are ever changing and evolving and not static. These valuable

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ecosystems have always been renewed by nature's disturbance regimes. To add insult to that injury "roadless area" designation perpetuates and further degrades vital ecosystems processes in pinion juniper forests, sagebrush-dominated grasslands and municipal watersheds

Wilderness designations

We commented extensively in the NOI about the oft-mentioned drawbacks of current capital "W" Wilderness and that it excludes a large portion of the public who are not physically or financially able to gain access by foot or horseback. More millions of acres of de-facto wilderness will only aggravate this situation. As you have noted, the RARE I and RARE II processes of the 1970's inventoried roadless areas for their capital "W" wilderness character and values. Thus many inventoried roadless areas have not achieved congressionally designated Wilderness status. The 1964 Wilderness Act intended for Congress to make Wilderness designations and not for the administration to create de-facto wilderness categories. Before and since the NOI and with this DEIS many National Forests, including the Dixie and Kaibab, have used their GIS technology to re-inventory all roadless areas. Your proposal would thus place these inventoried and poorly NEPA processed areas in the more restrictive part of the proposed process instead of relying on the previous work undertaken in the more comprehensive RARE I and RARE II programs. The DEIS and the previous NOI also appears to be silent on the objective of seeking congressional Wilderness designation of a portion of the roadless inventory and releasing the balance of the inventory back to multiple uses. Why is this?

Community and economic Impacts

Once again we must point out that we have argued for accesses to public lands along with balancing budgets are the issues of the day that are facing us in Southern Utah and the Arizona Strip. Our communities have evolved historically and culturally under the backdrop of the nearby public lands. Generations have been raised and nurtured by the land and its resources. Our communities were developed by hard won efforts to simply exist and then to prosper and raise families and to educate our young. We have a strong identity and reliance to the land and conservation and sustainment of natural resources and communities. It is our belief that sustainable forests and grasslands are dependent upon nearby sustainable communities and vice versa. Mindless Roadless Area policies such as this one are counter to ecosystem and community sustainability.

Payments to Counties

Although it is not a major source of income in our county budget, we definitely count on the 25% of gross forest receipts or the alternative PILT funds to compensate us for the huge proportions of federal lands that our counties are comprised of. This proposal will have the definite effect of reducing these critical and necessary funds. In Southern Utah we are not seriously included in your efforts elsewhere to retrain workers whose natural resource based jobs have been or will be eliminated. We also object to your using this Roadless Initiative as an excuse to revive this Administration's already failed attempt to de-link National Forest revenues with payments to counties and states. As we approach a balanced budget nationally, we do not need another "entitlement" encumbrance. County operations are very dependent upon the productivity of natural resources and their wise

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utilization. All Forest Service receipts are important to local governmental budgets. Roadless areas do not provide a revenue stream in order to off set county expenditures in forest land settings. Rural counties with overly restrictive embargoes on natural resource production including roadless areas are subject to the whims of the annual federal appropriations for PILT payments process and are always uncertain at best

Access

It is possible that this Roadless Area Conservation Rule may trigger an issue of such magnitude as to bring the Forest Service to its knees if it ignores the issue of RS2477 roads claimed by counties. There are literally thousands of RS 2477 claims awaiting resolution across the West and a significant portion of them are in "roadless" areas. Perhaps this is avoided by including them under "valid existing rights" but we doubt you are making that concession. This initiative will tend to short-circuit the collaboration necessary for local governments to negotiate with the Forest Supervisor to resolve RS2477 issues. Some of this negotiation has already been going on in Kane County. Kane County has not relinquished any of its RS2477 claims. It is becoming obvious that your proposed national direction or policy on managing inventoried and non-inventoried roadless areas will decrease the decision space in land management planning for Local Forest Supervisors and the public that is being invited to collaborate with them in this process.

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We also question if you truly intend for "valid existing rights" to include the historical vehicular access used by grazing permittees. This could easily be interpreted to exclude the historical vehicular access used in managing the "privileges" of a grazing permit and include such activities as construction and maintenance of fences, water developments and salting. Such use is often grandfathered in on actual Wilderness legislation and should be specifically provided for in this proposed rule.

Alternatives

In our view the CENo Action' Prohibition Alternative #1 and the CENo Action' Procedural Alternative A is the only way to make Forest Management process work. These alternatives leave management decisions to be made in the Forest Plans. That is where they should be made. USDA Forest Service rules and regulations are legal only if they implement congressional laws and mandates regarding National Forest land use. The Congressional direction is very clear in the National Forest Management Act (NFMA). The National Environmental Policy Act (NEPA) and other laws enacted by Congress clearly directs the USDA Forest Service manage lands as multiple use lands with public access and in coordination with state and county governmental entities.

The Congressional Acts and Regulations which establish the requirements for an Environment Impact Statement are the National Environmental Policy Act of 1969 (NEPA) as amended and the Council on Environmental Quality Regulations (CEQ) for Implementing the Procedural Provisions of the National Environmental Policy Act. These two congressional acts are not recognized in the DEIS as the authorities governing the process for the proposed action. NEPA is mentioned in parts of the documents but not defined or listed as a reference. The proposal does not meet the purposes of the National Environmental Policy Act (NEPA) as defined in the Act.

- 1) To declare a national policy which will encourage productive and enjoyable harmony between man and his environment.
 - 2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and simulate the health and welfare of man.
- CEQ Regulations, Paragraph 1502.23 Cost-Benefit analysis requires that "if a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aide in evaluating the environmental consequences. "No economic or cost-benefit analysis is included in the draft EIS. The proposed action will have a huge economic impacts in Kane County.

The agency should abandon the unique and confusing definition of the term "road" and use the more reasonable and universal definition, which already enjoys widespread acceptance. "Any way, travel way, two track, trail, path or other means of approach, except those whose purpose is for foot traffic only as evidenced by NEPA documentation." (I.e. the Appalachian Trail is a formally designated walking-only way). This publicly accepted definition is much more clearly understood by the 1.7 million visitors (and growing) who use these roads every day. The correct definition of a "road" is critical to the success of this management plan and the liberal definition applied appears to conflict with other management documents which is sure to cause more confusion and controversy.

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On page A-24 of the Draft Environmental Impact Statement, SUMMARY and PROPOSED RULE, you will find a section called: CIVIL JUSTICE REFORM ACT. It reads "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". How does this balance with the congressional mandate that the USDA Forest Service coordinate planning efforts with local governments? As stated it appears that the USDA Forest Service is divorcing itself from any responsibility of being a planning partner with local governments or considering the special needs of local residents or of recognizing the special status local governments and residents have regarding federal planning in their areas.

This planning process will be doomed to failure by future actions of the legislative, executive or judicial branches of our government if it is not done in good faith with the American people. We are opposed to a unilateral prohibition against new road construction and reconstruction. We believe that road management policies must accommodate road locations and timing of entry in order to facilitate resource conservation and management. We oppose road closure and we feel that it would be a far wiser management choice to maintain the current road system and to develop new roads with provisions for controlling numbers and types of vehicles based on valid resource needs. This must be worked out and negotiated with each individual county, retaining roadbeds and prioritizing the road budget to limit resource degradation. We are certainly not supporting a road system necessary to meet the intent of the Forest Service 1896 Organic Act and the 1960 Multiple Use-Sustained Yield Act.

We have some real concerns concerning recent Roadless Area inventory. Number of acres alone is not a real good criterion as it is possible with GIS technology to identify sizable areas in a pattern of fingers that would be virtually impossible to manage on the ground. There has got to be some depth and width criteria for these areas in order to make them meaningful and manageable. Also, we feel that designating areas as smaller than 5,000 acres will result in a series of small "hands-off" islands across the landscape that will be unmanageable, unenforceable and the potential infection sources of continued forest health problems.

This DEIS document tries to prejudice the reader right off with a series of miss-truths. The first statement "Although they make up only a small percentage of the nation's total land-base, roadless areas are critically important for the long-term ecological sustainability of the nation's forests" is a good example. Roadless areas are critically important for the long term sustainability of the nation's forests but not just because they are roadless. They are important because they contain the resources, uses and values inherent to all National Forest lands. They are not "a small percentage" in many national forests and may occupy 30-50 percent of many national forests, especially the Dixie National Forests in Southern Utah. . In fact, 50 million plus acres is over 25% of the land base of the entire National Forest System. It is just plain arbitrary and capricious, and probably illegal, to presume to lock up this immense area without congressional approval and legislation.

The DEIS references as one of the positive benefits of roadless areas as "reference areas for research." The Forest Service already has an active and adequate program of identifying Research Natural Areas, usually 300-1000 acres, for just that purpose and it is simply ludicrous to infer that literally millions of acres more is actually needed for that purpose. We commented on this in our response for the NOI. It would seem that our comments have been ignored in the preparation of the DEIS? We've not seen any answers to our concerns and factual comments. In the DEIS why is commercial timber harvest added to the prohibition for new road

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construction and reconstruction? Some areas, especially on the Dixie National Forest, can be harvested with helicopters and long skid routes without much road construction or reconstruction. Thus, we feel that this statement flags the real intentions of forwarding a preservationist agenda.

We urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

Summary

In summary and including all of the above comments and suggestions, we feel this Roadless Initiative is counter productive to the intent of the Multiple Use Sustained Yield Act, the National Forest Management Act, and to the newly proposed regulations for forest and grasslands management planning. Every time restrictive national policy is imposed, the decision space for local collaboration with local government and communities is diminished. There are so many varied situations on the ground that no one national policy on roadless area prohibitions should take precedence over local knowledge and cooperation with dependent, forest users and communities. Once again, we urge you to return this issue to the local National Forest level for resolution in the on-going land management planning process.

We appreciate the opportunity to comment on the proposed DEIS and we ask that you actively take our specific recommendations seriously by not this instituting this proposed rule.

Sincerely,

KANE COUNTY BOARD OF COMMISSIONERS

Norman Carroll
Chairman

cc: Senator Robert F. Bennett
Senator Orrin G.Hatch
Congressman Christopher Cannon
Congressman James Hansen
Southern Utah News

Commissioners:

Robert D. Bessey, Chairman
Eddie L. Cox
Bruce A. Blackham



413551
Assessor: Steven B. Kjar
Attorney: Ross C. Blackham
Auditor: Ilene B. Roth
Clerk: Kristine Frischknecht
Recorder: Reed D. Hatch
Sheriff: Claude A. Pickett
Treasurer: Earl D. Clark

Sanpete County Courthouse

160 North Main • Manti, Utah 84642

USDA Forest Service CAET
Attn: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122
Fax: 877-703-2494

PAID RECEIVED
MAY 13 2006

The Sanpete County Commission proposes that alternative #1 NO ACTION be taken for the following reasons.

1. The Forest Service has violated the Federal Advisory Committee Act.
 - A. The Forest Service should have availed itself of the authority to use the FACA and formally chartered an advisory committee which would have ensured balanced representation of outside interest groups and public notification of all proceeding. Instead you relied on the advice and recommendation of only representation of the environmental community provided behind closed doors.
2. The proposal rule grossly understated the negative economic impact on the state and county economics. The loss of revenue from yet undeveloped hydrocarbon fuel and other minerals is not addressed.
3. You have erroneously stated that payment in lieu of taxes would make up the lost revenue. PILT is for payment in lieu of taxes and is not related to timber or mineral lease revenue.
4. We as local elected officials maintain that the forest should continue to be managed on the multiple use concept with local forest officials being able to make decisions. Science based evaluation is not deferred by you and cannot be.
5. The Manti La-Sal National Forest has millions of board feet of beetle infested timber that needs to be economically harvested. Roads should be allowed providing that they are removed and restored with original vegetation.
6. The DEIS is not site specific and therefore the true impact cannot be determined.

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7. There are still undeveloped springs that are needed by our local communities for culinary water that we need access to. We also need the ability to maintain and repair existing collection points and systems.
 8. Local elected officials (County Commission) were left out of the development and planning process. The participants in the development should include a wider range of groups that should include industry, recreationalists, sportsmen and senior citizens.
 9. Your proposal is a shift from traditional management to political management.

Again we reiterate our support for proposal #1 NO ACTION.

Cordially,



Robert D. Bessey
Sanpete County Commission Chairman

JUL-17-00 17:17 FROM:SEVIER COUNTY

ID:435 896 8888

PAGE 2/3



Sevier County

COMMISSIONERS:
Tex R. Olsen
Gary B. Mason
Ralph Okerlund

County Courthouse
250 North Main
Richfield, Utah 84701
(435) 896-9262
FAX (435) 896-8888

Steven C. Well - Clerk/Auditor
Gail DeMille - Assessor
Shawn M. Fuellenbach - Treasurer
Jayrene B. Nielsen - Recorder

July 17, 2000

Michael P. Dombeck
US Forest Service
201 14th & Independence S.W.
PO Box 96090
Washington, DC 20090-0690

Dear Mr. Dombeck:

We appreciate the opportunity to respond to the Roadless Area Conservation Plan. As a Board of County Commissioners of Sevier County, Utah, we have great concerns over this proposal and with the speed at which it has been processed.

We feel that this initiative has been rushed through the public process and greatly limits the ability of the public to understand its implications. Sevier County covers approximately 2000 square miles of which 70% is public lands. Because of this high ratio, Sevier County residents are greatly affected by this proposal.

Our County recently completed a general plan that took two years of concentrated study and individual input by members of our community. The issues that continually serviced in each public meeting and committee meeting dealt with public lands. In every case our citizens support public use of the land and do not want to see lands limited for the use of special interest groups who may be more politically and economically powerful.

As Sevier County Commissioners, we strongly encourage continued multiple use of our national forests. The Roadless initiative strictly limits our citizens use of the land in which many depend on for their family's living. Sevier County residents depend heavily on grazing, timber, mining and recreation to support their families and businesses. Current and future access should not be limited without a great deal of public input from local citizens and government bodies. Further, more detailed study should be completed before closing an area.

Our county highly depends on travel and tourism on public lands. Recreation is a large part of the local economy and access should not be limited to anyone including those who are elderly and disabled. We have a vast trail system for OHVs that has been approved and build by the US

Visit Sevier County - The Hub of Scenic Southern Utah

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Forest Service. This trail system should be protected and always made available to the public.

Any decision to close or obstruct roads or rights-of-way that have been established by public use should be made via a public process; not by special interest groups.

We will emphatically oppose any attempt, at any level, the limitation of our 2477 rights-of-way established in the 1950's and 1960's. Our citizens expect us to protect these rights and are willing to pay any litigation costs that may result from this conflict.

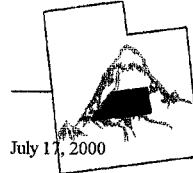
This plan proposes de facto wilderness management for vast areas of the State--61% of National Forests in Utah--without going through the legal process for evaluating and designating wilderness areas. The information upon which the proposal is based is extraordinarily insufficient, inconsistent and lacking in analysis.

In closing we feel that much more public time and input is warranted for a decision of this magnitude.

Thank you for your attention to this matter. Please feel free to contact us if we can assist you with this project.

Sincerely,

Gary B. Mason
Gary B. Mason
Sevier County Commission



Sevier County

COMMISSIONERS:
Tex F. Olsen
Gary B. Mason
Ralph Okerlund

County Courthouse
250 North Main
Richfield, Utah 84701
(435) 896-9262
FAX (435) 896-8888

Steven C. Wall - Clerk/Auditor
Gail DeMille - Assessor
Shawn M. Fuellenbach - Treasurer
Jayrene B. Nielson - Recorder

Sent Via FAX to (801) 703-2494

Mike Dombeck
USDA Forest Service--CAET
P.O. Box 221090
Salt Lake City, UT 84122

RE: Roadless Areas Proposed Rule

Dear Mr. Dombeck:

This letter is to provide comment on the Proposed Rule for roadless affecting Sevier County, Utah. We have concerns that the estimates provided in the DIES are inaccurate and undercount the economic impact to areas served by the Fishlake National Forest.

For example, reducing or eliminating access to forested areas will dramatically limit the amount of timber available to existing timber operations. This loss of area will make it more difficult for lumber mills to maintain operations. One mill in Sevier County employs 35 people directly and 75 people indirectly. The DIES states that the Fishlake and Uinta National Forests will only experience reductions in the amount of "12 to 14 direct jobs..." (Pg. 3-221).

The DIES goes on to say that the communities affected by the job losses will be able to sustain themselves in spite of the loss. But because the report undercounts the number of lost jobs, the resilience classification is likewise skewed for affected communities.

I find it convenient that the report fails to state, in detail, how the estimations were made and what methodologies were used by the drafters. It is impossible to question something withheld from review and scrutiny by those holding the information. What assumptions were made to determine the number of direct jobs? The report does not even define what a direct job is. It appears a conclusion was drawn early on and then a report drafted to support the conclusion.

More time must be allowed for communities to respond to this report. Thank you.

Sincerely,

Malcolm R. Nash
Malcolm R. Nash
Sevier County Economic Development Director

cc: County Commission

Visit Sevier County - The Hub of Scenic Southern Utah

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

Jul-14-00 15:06

From-ASHLEY NATIONAL FOREST

4367816142

T-565 P.01/03 F-578

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UINTAH COUNTY

STATE OF UTAH

Our past is the nation's future.

COMMISSIONERS:
 Herb Brydler
 Cloyd Hansen
 Lloyd W. Swain
 ASSESSOR - Ken Wohrmann
 ATTORNEY - John B. Stringham
 CLERK/AUDITOR - Pat S. McNeil
 RECORDER - Randy J. Simmons
 TREASURER - Donna Richens
 SHERIFF - Rick Hawkins
 SUPERVISOR - Nelson J. Marshall

July 13, 2000

RECEIVED
 JUL 14 2000
 ASHLEY
 NATIONAL FOREST

CAET-USFS

Attn: Roadless Area conservation Proposed Rule
 PO Box 221090
 Salt Lake City, UT 84122

RE: Forest Service Roadless Area Conservation Draft Environmental Impact Statement,
 May 2000

Planning Team,

General comments are addressed below, however, given the inadequate time to study the over 700 pages of material, we would like to request an extension of at least 120 days on the comment period. The scope of this proposal needs to allow more public input. Those communities who are directly affected need to be allowed ample time to fully understand this proposal and these rural areas are now at the height of their busy working seasons.

General Comments:

According to the Forest Service, the National Forest System is experiencing the worst health crisis in its history, with 65 million acres (one-third of our NFS) at catastrophic risk of wildfire, insect infestation, and disease. This DEIS would shut off more than 60 million acres. A two year drought, along with the already in place road moratorium, has left our forests with an abundance of fuel waiting to ignite. DEIS page 3-101 illustrates the environmental consequences of a severe fire as suggested under the conditions we are now facing. Drought, high winds and low fuel moisture would burn hotter, killing most of the smaller diameter trees and some of the larger trees. Fires easily move from the ground to the crowns of the larger trees causing nearly complete mortality. The soil organic layer would be consumed, lethal to a majority of plants. Air quality and wildlife would be negatively affected. Page 3-41, the effects on watersheds would be disastrous. The additional flows would increase flood peaks and volume, which would destabilize and erode stream banks and beds. In some areas fire can cause soils to become hydrophobic, repelling water rather than letting it flow into the soil slowly. These severe situations can endanger lives, property, and resources on-site and downstream. In reference, look at Storm King Mountain, Colorado which resulted in loss of firefighters' lives and property. Mud slides at later times closed a major interstate on at least two occasions as a direct result from mass erosion and damage caused by that fire. Eight million acres of inventoried roadless area are in this category. Alternative 1 - No Action provides the best opportunity for fire management.

CAET RECEIVED

JUL 17 2000

COUNTY BUILDING • 152 EAST 100 NORTH • VERNAL, UTAH 84078

Jul-14-00 15:06

From-ASHLEY NATIONAL FOREST

4367816142

T-565 P.02/03 F-579

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CAET-USFS

July 13, 2000

Page 2

Timber harvesting is not only an economic factor in rural areas but a management tool in controlling disease infestation among the forest. The change of run off patterns which affects the watershed can better be planned through selective harvesting than prescribed burns. The Uintah County General Plan recognizes the importance of timber harvesting for economics, production of resources, and protection for a healthy forest. Mitigation language should be present to allow the necessary removal of lumber for various reasons as stated above.

DEIS page S-35, under The Forest Service Roads System identifies recreation as the "... single largest use or activity supported by the Forest Service transportation system, accounting for 90% of daily traffic...". Your documentation also concedes that roads do exist in the inventoried "roadless" areas and current use would be allowed to continue. The DEIS does not provide a clear definition as to the maintenance of these existing roads which are allowed to continue supporting existing activities. The demand for recreation is increasing, yet this DEIS and its companion, The National Forest System Road Management Strategy, Environmental Assessment and Civil Rights Impact Analysis, dated February 9, 2000, calls for aggressive road decommissioning activities. The generic maps provided do not identify existing roads and landmarks to determine boundaries for proper evaluation of local land managers, community leaders, businesses, or citizens. The correct definition of a "road" is critical, and the liberal definition being applied conflicts with other management documents which is causing more confusion and controversy. The definition used in this proposal is not consistent with the language of rights-of way, by-ways, roads, etc. found in the Uintah County General Plan. The appreciation and wise multiple use of public lands starts with the young. For families young, old, and physically challenged, they must be able to access areas together and further restrictions to these areas breaks that bond between families and the land.

The Federal Government manages over two-thirds of Utah. The culture that exists here, and in other Western States, is a result of growing up next to vast areas of these "public lands". The land and the people are forever linked together. When national policy is set regarding things like protection of the lands, the implementation of that policy should be done with local concerns in mind and determined with the input of surrounding communities. The Federal Land Policy and Management Act of 1976 Sec. 202 requires the Secretary to coordinate the land use inventory, planning, and management of such lands with other agencies, States, and local governments. "Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act." These laws are being ignored. Uintah County has a general plan which has not been considered by either the Bureau of Land Management nor the National Forest Service in recent decision making processes.

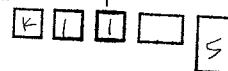
The DEIS addresses minerals and their importance to the nation as a whole. Page 3-145 states "A reduction in the potential for mineral development may reduce revenues to federal, state, and local governments. In the realm of leasable mineral development, which generates production royalties to the federal treasury, a share of these receipts go to state and local governments. Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown." On the local level, loss of

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UTAH COUNTY
Commission Office
Phone (801) 370-8135
Fax (801) 370-8146

Jerry D. Grover, Chairman
Utah County Commission



July 3, 2000

13564
100 East Center Street
Suite 2300
Provo, Utah 84606

CAET-USFS
July 13, 2000
Page 3

jobs and revenue causes economic uncertainty, along with the loss of important resources that supply our nation's needs.

Livestock Grazing is addressed on page 3-178. Prohibiting road construction in inventoried roadless areas would reduce timber harvest by an estimated 73%, which in turn reduces the amount of forage that would otherwise be available to livestock by limiting the growth of understory vegetation. Roads do provide ranchers with closer access to their allotments, which is important for transporting livestock and for maintenance activities, such as fence and water area repairs. Even though grazing will be allowed, the economical feasibility faced by ranchers to access these areas could force them out. Ranching in the West not only provides for consumption of food products throughout the nation but is a cultural and economical way of life that would be impaired by the preferred Alternative 2. Local management plans recognize the importance of livestock grazing and should be adhered to as stated by the Federal Land Policy and Management Act.

In summary, we believe the only solution viable would be Alternative 1, the No Action Alternative. Any other alternative would severely impact the adjacent communities to these proposed areas. Their quality of life, economic stability, cultural identity, and relationship to the land and their values would be hindered. We also maintain that any land management decisions should be implemented at the local level where you collaborate together all agencies along with the adjacent communities.

Sincerely yours,

UINTAH COUNTY COMMISSION

Cloyd Harrison, Chairman

Lloyd W. Swain

Herb Snyder

CAET RECEIVED

JUL 06 2000

USDA Forest Service — CAET
Att: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Gentlemen:

Re: USFS Proposed Roadless Area Conservation Rule

With regards to the proposed rule, Utah County is opposed to the proposal because of numerous concerns:

1. Previous draft versions of the roadless area inventory maps identified roads and road corridors (which were way too narrow), these do not appear to exist on the final hard copy map provided by the Uinta Forest Service or on the web site version. In addition to dozens of smaller, lesser used roads, a few of the roads being classified as roadless are: Nebo Loop Road, Santaquin Canyon Road, Blackhawk Campground Road, Nebo Creek Road, Bennie Creek Road, Lake Fork Road, Dairy Fork Road, Mill Fork Road, Mill Creek Road, Skyline Drive, Tie Fork Road, Sheep Creek Road, Diamond Fork Road, Wanrhodes Creek Road, Little Diamond Creek Road, Maple Canyon Road, Right Fork Hobble Creek Road, and Squaw Peak Road.
2. The hard copy map provided to Utah County classifies areas of the Manti-La Sal NF, Wasatch-Cache NF, and Ashley NF as "outside of Inventoried Roadless Areas". Those Forests have indicated that the map is not accurate in this regard.
3. The proposed rule at 65 FR 30276 and 30278 cites 16 USC 528 as a rationale for the roadless initiative. That section specifically states that it is "supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title". Section 475 is the statute specifying the purposes for which national forests may be established and administered and specifies that a national forest shall be established to improve and protect the forest within the boundaries, ... and to furnish a continuous supply of timber for the use and necessities of citizens of the United States". Sec. 528 also states that "nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands". The current proposal is unlawful because it violates, as espoused in the Federal Register, both Sections 528 and 475 of Title 16.

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USDA Forest Service
Page 2
July 3, 2000

The proposed rule also states at page 30279 that 16 USC 1613 grants broad authority to the Secretary to establish "such rules as he determines necessary and desirable to manage the forests". This is false, Sec. 1613 states that the Secretary can establish rules "necessary and desirable to carry out the provisions of this subchapter". No additional authority is granted under this Section. As the proposed rule states the Secretary of Agriculture must achieve the multiple use and sustained yield of renewable resources "without impairment of the productivity of the land". Banning access to the land will definitely impair the productivity of the land.

4. The proposal is offensive to local officials. On page 30277 the rule states that it is better to centralize in Washington, D.C. all decision processes because the "national decision process would reduce the time, expense, and controversy associated with making case-by-case decisions at the local level concerning the construction and reconstruction of roads in inventoried roadless areas". I cannot find a single person of my constituency that believes the local Forest officials are incompetent, expensive, controversial, or slow in comparison with their bureaucratic counterparts and political appointees in Washington, D.C. If the true desire of the government is to "reduce the time, expense and controversy of decision making" they might consider getting started in Washington, D.C. and the Congress.

5. As stated in the proposed rule on page 30279 the Secretary of Agriculture is to install a proper system of transportation that is both economically and environmentally sound. It says to install, not eliminate!

6. All of the proposed roadless characteristics identified in the proposed rule, from watershed issues to air quality issues, are better managed by the local office through management plans and EIS and application processes than through some dicta from Washington, D.C. All of the criteria listed are general and vague and may or may not apply to any given roadless area.


7. The exception in Sec. 294.12 (b)(1) is way too restrictive in that it allows a justifiable road only for an imminent threat of a catastrophic event. The exception ought to be worded to say "(a) road is needed to protect public health and safety". For example, Utah County, in conjunction with the rest of the State of Utah, is installing a new 800 megahertz radio system, partly at the behest of the Federal Government to increase public safety for the Olympics, to increase public safety for the Forest Service areas which are dependent on the County Sheriff for law enforcement, and to improve Wildland response services to the National Forest boundary areas. There are only certain mountain-top locations which can be utilized as repeater sites to cover blind spots in the canyons. They typically require road access. This rule would seriously jeopardize public safety if any of these sites fall in a restricted area.

We would hope that the Forest Service not adopt this rule, as it appears to be inconsistent with Federal Law, a removal of local Forest Service authority to the paragon of poor management, Washington, D.C., a threat to public safety. Finally, if not already obvious to everyone, this proposal

USDA Forest Service
Page 3
July 3, 2000

seems to have everything to do with political campaigns and posturing, and nothing to do with reasoned, logical forest management.

Sincerely,



Jerry D. Grover, PE
Chairman, Utah County Commission

JDG:SH

cc: Commissioner Gary Herbert
Commissioner David Gardner
Congressman Chris Cannon
Senator Bob Bennett
Senator Orrin Hatch
Clyde Naylor



25 North Main Street, Heber City, Utah 84032 • (435) 654-3211
BOARD OF COUNTY COMMISSIONERS

Michael Kohler, Chairman

T. LaRen Provost

Ralph L. Duke

July 14, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

RE: Draft EIS Roadless Area Conservation Proposal

VIA FACSIMILE

To Whom It May Concern:

Wasatch County remains opposed to the creation of roadless areas and has continually indicated its resistance and opposition to the Roadless initiative for the several reasons as stated below and supports only the "No Action" alternative. We do not share the enthusiasm for target attainment of endless acres of Roadless designation. Our cultural and traditional uses of adjacent public lands would be severely limited and the economy of our county could be unnecessarily affected. This Federal mandate fails to both recognize the nature of our unique landscape and associated communities. It will only cause conflict.

Wasatch County is very concerned that the proposal will affect the ability to provide critical services to protect the health, safety, and welfare of the residents of Wasatch County and the users of the Uinta National Forest. Most of Wasatch County is a public/private interface, with 53.9 percent of the County's area being managed by the US Forest Service and 31.7 percent of the County being privately owned. This makes it challenging to manage land use in the County and to provide essential services to residents and the many visitors of the Uinta National Forest. Listed below are specific concerns relating to Wasatch County and the harmful impact of the roadless proposal on its citizens.

Wasatch County has several old and proposed residential subdivisions adjoining the Forest Service boundaries. With the explosive growth of the County and the State of Utah and the dispersal of the urban Wasatch Front to the Public/Private land interface, the pressure to develop on property near the Forest will continue to grow. Some of the existing subdivisions do not have adequate access to allow for fire apparatus and emergency vehicles to pass, and this presents a hazard to the Forest, private properties, and the lives of the residents in these areas. The County is working with the property owners to provide adequate access. In some cases, the Forest may be the only secondary access. To initiate a policy of no new roads in the Forest may severely tie the hands of Wasatch County in dealing with these life and property threatening situations. With the shifting and growing population throughout the State, the Forest may also be located in the path of critically needed arterial and secondary accesses for Federal, State, and Local governments. This is especially true because population trends can and will change in the future.



CLERK/AUDITOR- Brenda L. Thomas	RECORDER Elizabeth M. Forest	SHERIFF Mike Spence	ASSESSOR Glen G. Ruppelner	TREASURER Kathryn West	ATTORNEY Derek R. Putman	JUSTICE COURT JUDGE Rikki Hyman
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It is important to maintain a flexible policy to be able to deal with the "unknown's" that the future holds. The Roadless Initiative does not maintain this flexibility.

The Forest does not exist in a vacuum. It is a vital part of our community. The government of road systems has always been recognized as a fundamental function of local government. Wasatch County must take federally managed lands into consideration when planning for the present and future. As explained, the roadless initiative inhibits the County's ability to provide for the health safety and welfare of its citizens.

The roadless initiative is a move toward the management of the entire Forest as a Wilderness Area without legal process. If this movement continues, how will the County effectively provide police protection for County residents and the many visitors to the Uinta National Forest with no roads in the Forest?

Wasatch County is also concerned about Forest health. Without roads into the forest, timber men will be unable to thin tree stands through selective harvesting - a practice which is essential to good forest health. Overgrown forests, where an excess number of trees compete for limited soil nutrients and water are most vulnerable to disease, insect infestations and wildfires. Also, without new roads, the noxious weeds and pests cannot be sprayed.

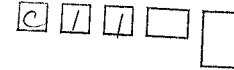
Wasatch County is also concerned that the roadless initiative poses a major threat to the ability of tourists to continue to enjoy their national forest for recreational use. Tourists will effectively be shut out of their favorite areas if they cannot access them by motorized recreational vehicles. Handicapped persons will be particularly vulnerable to such restrictions, as many simply cannot access these areas on foot. Families with young children will also be removed from access to the Forest. The roadless initiative blatantly discriminates against the handicapped, children, and the elderly by eliminating access. Public land should be enjoyed by all citizens, not just those who are in prime health.

Management policies affect people, communities and properties surrounding and within the Forest. The roadless proposal ignores the obligation that the National Forest owes to its neighbors in providing for responsible management and multiple use of its lands. The Forest Service's charge is to manage these lands for the use of the American people and the communities that surround them. The Roadless proposal does not serve that purpose and essentially locks up existing and potential, and present and future resources.

There is no doubt that there are roadless areas that should be removed from active forest management, however there are also roadless areas that need forest management. Management can be completed without building roads, but roads can, and often do reduce the cost of forest management operations. We note that three of the alternatives the Forest Service is considering could prohibit management all together. This could have disastrous consequences.

The proposed Roadless Areas in Wasatch County should not be considered for Roadless Designation because the areas do not meet the criteria for Roadless Areas. The areas are scattered with several road prisms, mining sites, utility corridors, bounded by State Highways, and have roads intruding into the areas that are "cherry stemmed". With the extensive historical use, the possibility for these areas to provide essential roadless characteristics is minimal. Both motorized and non-motorized recreational use, mineral extraction, utility lines such as gas lines and power lines, and transportation routes are clearly evident as historical and current uses on aerial photography and travel maps in the proposed Roadless Areas. This clearly demonstrates that these areas are not "roadless".

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CAET RECEIVED

JUN 17 2000

WAYNE COUNTY ECONOMIC DEVELOPMENT COUNCIL

USDA FOREST SERVICE
Attention: Roadless Areas Proposed Rule

Dear Chief Dombek:

This letter is in response to the Forest Service Roadless Area Conservation Proposed Rule, and is written on behalf of the Wayne County Economic Development Council.

Wayne County, located in south-central Utah, is home to Capitol Reef National Park, parts of the Fishlake and Dixie National Forests, Bureau of Land Management lands, and a section of Canyonlands National Park. Actually, 97% of Wayne County belongs to federal and state governments, which severely restricts economic development activities which could increase the county's tax base.

With a population estimated at 2,390 (1996), Wayne County has the second lowest population density in the state. Wayne County's 1996 unemployment rate of 5.5 percent is higher than the state average of 3.5 percent. The county's 1996 per capita income, \$13,740, is significantly lower than the state's \$19,244, which is lower than the national figure of \$24,169. According to the US Census Bureau (1990), 16.4% of Wayne County citizens live below the poverty level.

The above facts and figures are important to indicate that we are a classic rural gateway community -- with all of the benefits and challenges.

We need access to our forest lands. We encourage you to consider the following:

1. Impact of no multiple use in Wayne County is FAR greater than the study indicates. Please consider the impact on a local basis -- not simply a national one which shows 250 jobs lost. The study indicates a timber harvest reduction of 2% on a national basis -- but to Wayne County, that figure is much more in the 80-90% range.
2. National Forests have long been managed as multiple use -- it is extremely difficult now to restrict their use to wilderness only.
3. Without proper harvesting procedures, the forests will provide an environment for pine beetles and other insects -- which will ultimately result in total resource waste.
4. Wayne County needs small timber sales -- our logging operations are not in the scale of Georgia-Pacific -- we are small, family companies attempting to steward a sustainable resource.
5. Locally, if the Roadless proposal is enacted, approximately 60% of the total acreage will not be available for use as a sustainable resource.

We urge you to continue in the multiple-use arena, and to take steps to reward responsible stewardship.

Thank you for your consideration.
Nan Groves Anderson
Nan Groves Anderson
Director

It is clear that the public, the Administration, and the Congress all have differing views about the purpose of the Forest Service and the lands for which it has stewardship responsibilities. Until we resolve these fundamental questions as a nation, efforts such as the Roadless Initiative will fail. The environmental laws and regulations that govern the activities of public natural resource agencies are intended to protect against environmental degradation that can result from poorly planned or constructed forest roads. Decisions about roads in all public forests should be made at the local level, under an overarching legal framework. The manager on the ground, with input from the public, is able to make decisions about roads based on existing laws and regulations, the values of the public and Forest.

We suggest that it is appropriate to consider changing the status of roadless areas from multiple use management to some type of restricted use, on a case-by-case basis. We stand ready to resolve on a case-by-case basis, specific management issues that exist on our County's landscapes.

We support the "No Action" alternative. The Roadless designations remove people from the land, discriminate against the handicapped, elderly, and children, destroy economic, cultural, historic, and recreational opportunities, and impair the County's ability to provide essential services to protect the health, safety, and welfare of citizens. These designations also lock up natural resources, and prevent resource management.

Wasatch County hopes these comments will be useful in the decision making process on this issue, and looks forward to working with State and Federal Agencies to obtain prudent management and multiple use on these public lands.

Sincerely,

T. LaRcn Provost

T. LaRcn Provost
Chairman, Board of County Commissioners

Michael Kohler

Michael Kohler
Board of County Commissioners

Ralph Duke
Board of County Commissioners

Cc:/ Julie King, Heber Ranger District
Angela Sanders, U.S. General Accounting Office



SIX COUNTY ASSOCIATION OF GOVERNMENTS

Sevier County Courthouse
250 North Main
Richfield, Utah 84701
Telephone: (435) 896-9222
Fax: (435) 896-6951

OFFICE OF EXECUTIVE DIRECTOR
PLANNING AND COMMUNITY DEVELOPMENT
AGING/HUMAN RESOURCES
ADMINISTRATIVE SERVICES

17261

17261

DIIS 5

July 11, 2000

USDA Forest Service - CAET
ATTN: Roadless Area Conservation Proposed Rule
P. O. Box 221090
Salt Lake City, Utah 84122

PAET RECEIVED
JUL 17 2000

Subject: Comments Regarding Roadless Area Conservation Proposal

Attention: Roadless Area Conservation Proposed Rule

The Six County Association of Governments (SCAOG) appreciates the opportunity to provide comments concerning the Roadless Area Conservation proposed rule.

The SCAOG comprises the rural counties of Juab, Millard, Piute, Sanpete, Sevier and Wayne in Central Utah. Collectively there are 54 entities and two Native American bands. Through inter-local agreements, the SCAOG administers 22 federal, state, and local programs. Of these programs, community development and economic enhancement are crucial responsibilities of the Agency.

As local officials of a jurisdiction with over 80 percent of publicly managed lands, it is imperative that federal directives correlate with local land use plans. The Land Use Plans of each of the respective counties within the SCAOG specifically states the need for multiple-use of public lands.

Numerous industries and their employees rely upon natural resources from public lands for their livelihood. These include mineral extraction, timber harvesting, grazing, recreation, and tourism. To be efficient, the majority of these require the use of existing roads or the development of new roads. The proposed rule greatly inhibits, and could eventually stop, the utilization of these natural resources. Therefore, it is the opinion of the SCAOG that the proposed rule will lead to a direct conflict with multi-use and local county land use plans.

Another concern of the SCAOG is that of safety. With the cataclysmic amount of fuel on Forest Service lands, most foresters agree that it is only a matter of time until a conflagration occurs. The proposed rule limits the ability of fire fighters and emergency personnel to deal with such an event, resulting in destruction and contamination of water sheds, devaluation of personal property, floods, and unnecessary erosion. All of which can result in an insurmountable cost to local tax payers.

Juab • Millard • Piute • Sanpete • Sevier • Wayne

After careful review of the alternatives associated with the proposed rule, the SCAOG adamantly supports Alternative One (1), which states that there be no prohibition of activities in inventoried roadless areas. All other Alternatives will result in direct controversy with current local plans.

If we can provide additional information relating to our concerns, please don't hesitate to contact me at 435-427-3227 or Mr. Russell Cowley, Six County AOG Executive Director, at 896-9222, ext. 12.

Sincerely,

Eddie Cox
Commissioner Eddie Cox
SCAOG Board Chair

D-1-1-5

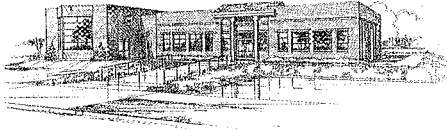
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SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS

Mike Milovich
Chairman

William D. Howell
Executive Director



777 SOUTH CARBON AVE.
P.O. DRAWER 1106
PRICE, UTAH 84501
(435) 637-5444
FAX (435) 637-5448

MEMORANDUM

CAET RECEIVED

MAY 22 2000

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TO: USDA Forest Service - CAET
ATTN: Roadless
P.O. Box 221090
SLC, UT 84122

FROM: Mike Milovich *Mike Milovich*

DATE: May 18, 2000

SUBJECT: Response to Forest Roadless Initiative

The Southeast Utah Association of Local Governments is a voluntary association of four counties and nineteen municipalities. The Association is formed, in part, for the purpose of representing the views of member jurisdictions with respect to the proper care and management of natural resources in our area and upon which we depend, in large measure, for our livelihoods and quality of life. It is for this reason and in this context that the following comments are offered in response to the request for comment issued at 36 CFR Part 294 (RIN 0596-AB77), Special Areas, Roadless Area Conservation.

1. The proposed rule making would prohibit road construction and reconstruction in most inventoried roadless areas of the National Forest System. This is a foolhardy proposition. Proper management of forests requires that there be flexibility in management opportunities. To relegate tens of millions of acres to a "one-size-fits-all" management stricture of such narrow and near sighted application is unwise. This is particularly so when such a myopic vision is applied by fiat from a handful of politically motivated policy makers in Washington. Individual forest plans must be responsive to local environmental conditions and to the needs of local communities and these plans must be sufficiently flexible to accommodate changes in these conditions. The proposed policy is the height of authoritarian pretension.
2. The proposed rule claims to "require" evaluation of roadless area characteristics "in the context of overall multiple-use objectives" during land and resource management plan revisions. This phraseology appears to be written in an attempt to suggest that the proposed roadless areas will be managed in a manner other than defacto wilderness. This "requirement" accomplishes nothing more than to distort and bastardize the traditional concept of multiple use. The commitment of tens of millions of acres of forest to the strictures attendant to roadlessness, by a

USDA Forest Service - CAET
May 18, 2000
Page 2

handful of bureaucrats, at the behest of radical extremists, is anathema to responsive, adaptive management and therefore it is also anathema to multiple use.

3. This proposal is said to be in response to "strong public sentiment for protecting roadless areas." In fact, this proposal is in response to illegal and undue influence by a handful of special interests who have been given extraordinary access to the levers of government by corrupted officials who are unworthy of the positions of trust to which they have aspired. This entire process is an embarrassment to professional foresters and a shame upon a shameless administration. The tyrants who spawned and who advance this tyranny will find that the arrogance they exercise will bear bitter fruit through the unintended consequences of corrupt government; and they or theirs will, one day, find themselves victim of abuse by the corrupted governmental that they themselves engendered. "It is ever true that, where a malign principle is adopted, as long as the error is adhered to, it must continue to produce its baleful results." (U.S. Supreme Court, 1911)
4. The proposed policy claims benefits for biological diversity, wildlife habitat and forest health. There is no consideration for the fact that forests progress to climax where each of these qualities are most limited and then they die by one means or another. At this the process begins yet again. The proposed policy seems to be driven by the childish notion that forests are static. They are not. It is because forests are not static that man's management practices, including logging, can not only be beneficial but they also fit seamlessly into the natural processes of forests. The idea that logging will be permitted in these areas by means other than conventional, roaded means is a fraud. No one believes that logging will be either permitted or economically viable in these areas. Any suggestion to the contrary is merely an attempt at public deception. As a case-in-point, the Jacobs/Swale Vegetation Management Project scheduled by the Dixie National Forest in southern Utah was called off because of this policy. The Jacobs/Swale VMP was conceived by professional foresters familiar with the area; that is to say, by people who understand forest dynamics and who are familiar with this particular area unlike those conceited authoritarians who are dictating the foolish roadless policy. The professional Dixie foresters proposed the VMP with the understanding that it would create better wildlife habitat along with other benefits. With no apparent consideration, these benefits are swept aside in the quest for political gain under the pretense of environmental sensitivity.
5. It is said that this action responds to budgetary concerns and the need to balance forest management objectives with funding priorities. If it is the concern of the forest service to abandon costly and unrewarding ventures, then it is recreation that must be abandoned. The cost per recreational visitor day on the forest is \$1.07 while the revenue garnered by the forest service for this use is 14 cents per day. Annual losses due to recreation are estimated at \$355 million while losses due to logging are estimated at \$290 million. Any claim that the present initiative is budget based is hollow if there is not an accompanying reduction in recreation expenditures or an increase in revenues from that use. Active management by man is beneficial to forests. The

USDA Forest Service - CAET
May 18, 2000
Page 3

proposed policy disregards and otherwise fails to consider the negative environmental consequences of denying man's active management of vast tracts of forests. The negative budgetary and environmental consequences of doing nothing can far exceed the costs, both environmental and economic, of active management. This is particularly true when secondary economic benefits to local and national economies are considered. Catastrophic wildfire, borne of non-management and lack of access, can, have and will continue to destroy habitat, watersheds, and biodiversity.

6. The proposed rule is claimed to provide "lasting protection" in the context of multiple-use management for inventoried roadless areas and other roadless areas within the National Forest System. The statement is intended to deceive the public. Protection can be defined in a multitude of ways. Denial of man's active management including logging is not necessarily "protection." In fact, denial of man's active management is, in most cases, the diametric opposite of "protection." In fact, the policy is driven not by a sincere and science based imperative for "protection" but rather it is driven by homophobia as in the fear and loathing of man and his works. As the word "protection" is used in the proposed rule, it implies that the forests are "unprotected" under current management. Yet again, this is an obvious attempt to deceive. The forests are protected in a multitude of ways by current law. The proposed rule is not a progressive step. It is a regressive step. It is a denial of real protection that derives from site specific, flexible, active management and it accomplishes nothing more than to place the forests and their inhabitants at risk.

7. The proposed rule is principally designed to placate strident special interests at the expense of the public, at the expense of public process and at the expense of the resource. The undue influence that the Clinton administration and the Forest Service have granted to special interests has violated the Administrative Procedures Act and the Federal Advisory Council Act. These violations are not assuaged by public hearings or a sham comment period after the fact. The process by which the proposed rule was concocted is corrupt. The potential environmental and social consequences of committing vast resources to its purposes render the proposed rule unethical if not amoral. Both the proposed rule and the process by which it is to be foisted upon the people and the land only further debase the institution of government. This is the true Clinton legacy of which all foresters can now claim a part. It is they, shielded by their self righteousness, who can claim ownership of this new method of rule making; but it is all of us and our progeny that will pay. Adoption of the policy, if that should be the eventual outcome of this "process," does not suggest or evidence popular understanding or support. It only demonstrates the power of tyrants and their co-conspirators at the helm of government and the near impossibility of affecting their expungement before they have wrought their damage.

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Gunnison City Corp.

38 West Center
P.O. Box 790
Gunnison, Utah 84634-0790
(435) 528-7969

6388

Mayor: Steven Buchanan
Council Men:
Vern Hatch
Mark Henline
Scott Hermansen
Brian Jensen
Rod Taylor

June 21, 2000



USDA Forest Service - CAET
PO Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

We, as Mayor and City Council of Gunnison City, want to register our voice **against** the proposed Roadless Initiative for the Manti-LaSal National Forest. We have Satterwhite Log Homes as a business in our city. This initiative would greatly harm their business and subsequently be reflected in our own local economy. Our citizens enjoy the National Forest and need access to it. We have cattlemen who graze their herds on the forest land. We have other residents who are employed in the mining and trucking industry. The mining operation is located in the Fishlake National Forest where this same roadless initiative is proposed. This initiative will have an adverse effect upon the residents of our city.

Sincerely,

Steven Buchanan, Mayor

Council Members:

CAET RECEIVED
JUN 24 2000



"Mary Donaldson"
 <mary@cut.net>
 07/15/00 04:06 PM

To: <roadlessdeis@fs.fed.us>
 cc: <senator_hatch@hatch.senate.gov>,
 <senator@bennett.senate.gov>, <cannon.ut03@mail.house.gov>
 Subject: Roadless area conservation proposed rule

H 1 3 [] (5)

29559 -

yes

Doug Johnson
 Box 104
 Spring City, UT 84662

I support Alternative 1, No Action, No Prohibitions.

I am presently mayor of Spring City, Utah. Our culinary water comes from springs in Oak Canyon to the east of our city. We have received culinary water from those springs for more than 60 years. The springs are located on the Manti LaSal National Forest. It is necessary for the city to access the springs to maintain and sample them. The inability to access the springs would mean the death of our town as we have no other feasible water supply.

I am familiar with Forest Service policy in the past that has been interpreted by Forest Service staff personnel in ways that was never intended by the writer of the policy. Any alternative selected in this matter other than Alternative 1 (No Action, No Prohibitions) will foster situations in which our city will have to fight with over-zealous Forest Service personnel in order to maintain our water system.

The Forest Service Roadless Initiative is the latest effort by the Clinton administration to declare wilderness area without having to go through the proper legal channels to do so.

Spring City can support nothing other than Alternative 1, and we will fight adoption of any other proposal. I would like to receive any letters, decisions or publications regarding this issue at:

Doug Johnson, Mayor
 Spring City Municipal Corporation
 Box 189
 Spring City, UT 84662

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26057

July 10, 2000

USDA Forest Service CAET
 Attn: Roadless
 PO Box 221090
 Salt Lake City, UT 84122

ACT RECEIVED
 JUL 13 2000

Dear Chief Dombeck,

As mayor of Springdale, Utah, I would like to begin by thanking you for taking this historic initiative towards the protection of the remaining unspoiled roadless areas in our National Forests. I believe that the Roadless Protection Plan has the potential to offer real protection to our last wild forests in Utah and across the country. However, the alternatives offered in the Draft Environmental Impact Statement do not go far enough to achieve the essential goal of true preservation of our forests, for our families and for our future.

These pockets of wild lands offer some of the places Utah families treasure most for hiking, hunting, fishing and camping; they provide clean drinking water to millions of Americans; and they provide habitat for wildlife including salmon and grizzly bear.

Our wild places are disappearing just as quickly as congestion is choking our urban centers. Natural quiet and unspoiled scenic vistas are becoming increasingly rare, and ever more precious to our communities. Wild forests provide outstanding recreational opportunities for tens of millions of Americans in Utah and throughout the country. Use of these areas in Utah by campers, hikers, fishers, hunters, backcountry skiers, wildlife observers, and seekers of spiritual renewal continues to grow exponentially.

Utahns are no strangers to the innumerable values of our wild forests. The Wasatch Front is a playground for most of the state's residents and its wilderness areas provide us with our clean water. The La Sal Mountains of the Manti- La Sal National Forest are one of our most famous backdrop images and Boulder Mountain of the Dixie National Forest has been called the "throne of the Colorado Plateau."

Public opinion polls across the country have shown overwhelming support for protecting roadless forests and ending logging in these last wild places. This support is strong not only across party lines - Republicans support strong roadless protection by two-to-one, but also throughout the nation. In states with the greatest concentrations of national forest roadless areas, support for protection runs particularly high, according to a dozen polls conducted in recent months.

P.O. BOX 187 Springdale, Utah 84767 (435) 772-3434

26057

While I am encouraged by the draft plan's call to an end of roadbuilding in these roadless areas, there are some glaring omissions, which should be corrected in the final plan. First, the final plan should include ALL roadless areas, inventoried and uninventoried, of 1,000 acres or more.

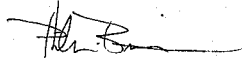
The draft plan also allows for logging and mining to continue in these roadless areas. I would encourage you to include an end to logging and exploitive extractive industries within these roadless areas. To ensure the preservation of the natural wild characteristics of our forests these destructive practices should be stopped within the roadless areas.

The final plan should also end off-road vehicle use in roadless areas. Hikers, anglers, hunters, and campers go to the National Forests in Utah to escape the onslaught of machines, noise, and pollution. There are over 400,000 miles of roads throughout the National Forest system, ample space for ORV use. These remaining roadless areas should be reserved for other forms of recreation, which require solitude, quiet, and undisturbed wildlife.

Also, the final plan should afford the same levels of protection for the Tongass National Forest, in Alaska. The Tongass is the world's largest intact temperate rain forest and is currently the most threatened National Forest in the United States.

I am grateful for the opportunity to submit my comments and participate in this historic protection initiative. I want to thank you for taking the time to hear my point of view and I hope you will incorporate my recommendations into your final plan.

Sincerely,



Phillip Bimstein
Mayor, Town of Springdale

PKB/ws

19299



State of Vermont

AGENCY OF NATURAL RESOURCES

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation

DEPARTMENT OF FISH AND WILDLIFE
103 South Main Street, 10 South
Waterbury, Vermont 05671-0501

1 2 5

Tel.: (802) 241-3700
TDD: 1-800-253-0191

July 17, 2000

19299

USDA Forest Service - CAET
ATTN: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

Forest Service Reviewers:

The Forest Service is to be commended for recognizing and acknowledging the potential deleterious ecological impacts of roads and for its determination to affect positive change on U.S. Forest Service lands nationwide.

The scientific literature provides voluminous information on the negative impacts of roads on forest ecology and fish and wildlife including fragmentation, edge effects, soil and water disturbances as well as impacts associated with increased human disturbance, among others. The scientific community also recognizes that management considerations of road development warrant a landscape level analysis as well in determining the appropriate management action.

For this reason, the Vermont Fish and Wildlife Department recommends that the effects of roads on the forest be recognized as a legitimate management issue for both the inventoried and uninventoried areas (including areas under 5,000 acres). In fact, we question why, in light of the enormous amount of data management and G.I.S. technology at its disposal, the Forest Service has relied on 1970's inventory as its basis for determination of roadless areas. The Department believes that the U.S. Forest Service proposal must grant greater consideration for the protection of the uninventoried roadless areas as well.

The Vermont Fish and Wildlife Department agrees with the U.S. Forest Service preferred alternative #2 to prohibit road development within the inventoried areas in order to conserve the unfragmented habitat conditions that these areas provide. Much of the roadless forestland in southern Vermont is found on the Green Mountain National Forest, and minimizing further fragmentation of these areas is in the best long-term interest of Vermont's fish and wildlife resources. In doing so, we recognize the Forest Service distinction between a roadless area and a wilderness area and, consequently, support responsible logging proposals utilizing appropriate, existing infrastructure within these areas. We do not think it would be prudent to preclude the option of vegetative management until a more thorough project-by-project evaluation of management objectives is completed. However, we are concerned about the impacts of vehicular

access to trails not included in the definition of roads. It strikes us that allowing such exceptions for these activities would promote the kind of disturbance effects that are in direct conflict with the primary intent of protection of roadless areas.

The Department does not believe that alternative B provides the necessary assurance that road development within the uninventoried areas will receive full and adequate evaluation. Instead, the Department recommends that road development within the uninventoried areas require a project by project analysis until a forest plan revision is complete (alternative D). This should not be a significant factor in the Green Mountain National Forest as its forest plan revision is only a few years away. This more thorough evaluation within uninventoried areas will more likely assure that sufficient scientific assessment and full public participation have been received prior to any further road development in these areas.

In closing, the Vermont Fish and Wildlife Department recommends that the U.S. Forest Service consider 2D as the most appropriate alternative to protect the roadless area values of both the inventoried and uninventoried areas. We appreciate the opportunity to offer these comments and hope that you will seriously consider them as a basis to improve and enhance the roadless area proposal.

Sincerely,

Ronald J. Regan
Ronald J. Regan
Commissioner

cc. Scott Johnstone, Secretary, VT Agency of Natural Resources
Connie Motyka, Commissioner, FPR

Equal Opportunity Employer

Regional Offices - Barre/Essex Jct./Pittsford/Springfield/St. Johnsbury

Roadless Area Conservation

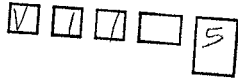
Volume 4 - Letters from Agencies and Elected Officials



STATE OF VERMONT
HOUSE OF REPRESENTATIVES
115 STATE STREET
MONTPELIER, VT
05633-5201

CAET RECEIVED

JUL 14 2000



July 12, 2000

USDA Forest Service CAET
Attn. Roadless
P. O. Box 221090
Salt Lake City, UT 84122

Re: Roadless Areas

Dear Forest Service:

Our wilderness is so important to us for many reasons,

- a) Protection: Wildlife, whether native or migrating, needs to have the quiet, peace and uninterrupted territory (by roads) for their growth, development, food, and reproduction of their species.
- b) Stormwater: Road building is a disruptive endeavor to the environment. Storms cause stormwater runoff. The earth, dirt and gravel are carried down the roads and off into the forest or stream from newly built roads. This causes lack of oxygen in the water, changes the mixture of the water harming breeding fish, plants and animals.
- c) Stress: When an area is disturbed it puts stress on the animal and plant systems in the area. Most forests in the East are already under stress mostly from acid rain but also from the recent ice storms and drought. Further stress can cause the decline of the forest.
- d) Ecosystems. There is a great need to keep ecosystems together and free of disturbance. In the East there are few such places. We need to insure that we keep some of these wild ecosystems in Vermont
- e) Recreation: Quiet recreation like hiking, fishing and birding is importing for the public to have.
- f) Cost: Road building is expensive and there is little money for keeping them in good repair. Presently we can only keep 25% of our roads in repair.

43572

While I have your attention, I would like to express my opinion that the Tongas area should be left wild. There is no need to disturb this area.

Sincerely,

Betty A. Nuovo

Rep. Betty A. Nuovo
Natural Resources Committee
State of Vermont
P. O. Box 347
Middlebury, VT 05753

43572

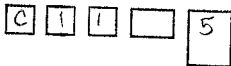


Bennington County Regional Commission

17270

P.O. BOX 10 • ARLINGTON, VERMONT 05250 • (802) 375-2576 OR 375-9964 • FAX (802) 375-1561
July 12, 2000

USDA Forest Service - CAET
Post Office Box 221090
Attention: Roadless Area Proposed Rule
Salt Lake City, Utah 84122



PAID RECEIVED
JUN 17 2000

Gentlemen:

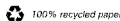
The following comments represent the position of the Bennington County Regional Commission which is composed of the regions municipalities. The recommended alternatives are based on the premise that land classifications such as that proposed ought to be the result of the comprehensive forest management planning process and the resulting USFS Land and Natural Resource Management Plan. This planning process allows for local and regional input in all aspects of resource planning including resource utilization, conservation, and preservation. This process is also regionally sensitive to accommodate local conditions and concerns in addition to the broader national interest. Federal appropriations ought to be provided to the USDA - Forest Service as soon as possible to expedite renewal of the planning process and development of the plan.

The BCRC is in support of Alternative 1 - No Action; - No Prohibitions (Draft EIS, May 2000, pg. S-7). This alternative restricts road construction based on existing land management plans. Future road proposals will be considered on a case-by-case basis at the project level where allowed by current land management plans. With respect to the procedural alternatives, the BCRC is in support of Alternative B - Forest Planning Process Implemented at Next Forest Plan Revision (pg. S-9). In this alternative, local managers would evaluate whether and how to protect roadless characteristics in the context of multiple use management, during forest and grassland plan revisions. During plan revision, local managers would evaluate the quality and importance of the roadless area characteristics and determine how such areas should be protected. This alternative effectively becomes implemented on each forest and grassland at the time of plan revision.

Sincerely,

Charles Foster, Chairman
Bennington County Regional Commission

cc BCRC Commissioners
Bennington Region Elected Officials and Planning Commission Chairs
Senators Patrick Leahy and James Jeffords
Congressman Bernie Sanders



ARLINGTON BENNINGTON DORSET GLASTENBURY LANDGROVE MANCHESTER MANCHESTER VILLAGE
NORTH BENNINGTON OLD BENNINGTON PERU POWAY RIPLEY SAUNGATE SHAFTSBURY STAMFORD SHIPLEY WOODFORD

S-1-1- -5



87

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-2000

CHARLES D. NOTTINGHAM
COMMISSIONER

May 15, 2000

USDA Forest Service – CAET
P.O. Box 221090
Salt Lake City, Utah 84122

Attention: Roadless Areas Proposed Rule

Dear Sir or Madam:

I see that our comments (see attached) on the October 19, 1999, Notice of Intent were not incorporated in the proposed rulemaking. Please consider these comments in the development of the regulations. If you have any questions, please feel free to call me at (804) 786-6678.

Sincerely,

John A. Simkins
Environmental Engineer

Attachment

CAET RECEIVED

MAY 19 2000

WE KEEP VIRGINIA MOVING



87

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-2000

CHARLES D. NOTTINGHAM
COMMISSIONER

December 15, 1999

USDA Forest Service-CAET
P.O. Box 221090
Salt Lake City, Utah 84122

Attention: Roadless Areas NOI

Dear Sir or Madam:

We have reviewed the proposed rulemaking as described in the October 19, 1999 Federal Register, and offer the following comments:

- We believe additional rulemaking would be redundant and unnecessarily burdensome because there are existing laws and regulations to address the environmental protection of roadless areas in the National Forest System. All actions on National Forest property are subject to the provisions of the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, and Section 106 of the National Historic Preservation Act, and the implementing regulations of each of these laws. Strict adherence to these existing laws and regulations would ensure continued environmental protection within the boundaries of National Forests.
- We believe the construction and maintenance of public highways should be exempt from this proposed regulation. The Virginia Department of Transportation (VDOT) is responsible for maintaining a statewide transportation system, and this rulemaking would seriously jeopardize our responsibility. Furthermore, the NOI maintains that "road construction increases the risk of erosion, landslides, and slope failure, endangering the health of entire watersheds that provide drinking water to millions of Americans and critical habitat for fish and wildlife." The construction of all state-maintained roads in Virginia adheres to erosion and sediment specifications approved by the Virginia Department of Conservation and Recreation. In addition, all VDOT roads are constructed in accordance with all environmental laws and regulations including the Clean Water Act and Endangered Species Act. Therefore, the above environmental concerns are already addressed on VDOT projects.
- Another stated reason for the proposed rulemaking is the insufficient funding received by the Forest Service to maintain roads once they are constructed. VDOT is responsible for funding all road construction and maintenance projects within our jurisdiction in National Forests. The Forest Service is

WE KEEP VIRGINIA MOVING

USDA Forest Service-CAET
Page 2
December 15, 1999

87-

6391

not asked to provide any funding for VDOT-constructed or VDOT-maintained roadways in the National Forest System.

- We are confused about the timing of this proposed rulemaking. An Environmental Streamlining National Memorandum of Understanding was signed in July 1999 by several federal agencies, including the U.S. Department of Agriculture. The MOU required that agencies streamline processes to expedite the construction of highway and transit projects. The proposed rulemaking appears to contradict the streamlining effort.

If you have any questions, feel free to call John Simkins at (804) 786-6678.

Sincerely,



Cooper Wamsley
Environmental Program Manager



COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

Department of Game and Inland Fisheries

William L. Woodfin, Jr.
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

June 20, 2000

5 1 7 5

Mr. Michael Dombeck, Chief
USDA Forest Service
CAET
P. O. Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED

JUN 26 2000

Dear Mr. Dombeck:

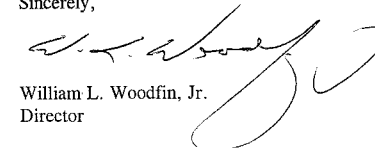
Please accept this resolution unanimously adopted on June 1, 2000 by the Board of Game and Inland Fisheries for the official record of your public hearing. The Board passed the resolution to express their opposition to additional restrictions on public access and wildlife habitat management on the George Washington/Jefferson National Forest. The Board asked that I convey this resolution to the President, National Forest Service staff, General Accounting Office staff, Governor Gilmore, the Virginia Congressional Delegation, the Platform Committee/campaign organizations of the various national political parties, and such others as deemed appropriate.

We have cooperatively managed Virginia's wildlife resources on National Forest lands since 1938. We have accomplished important wildlife conservation goals together in the last 60 years, including restoration of white-tailed deer, wild turkey, and black bear.

We are intimately familiar with National Forest lands in Virginia and are very concerned that adoption of the proposed rule will limit our capability to manage wildlife resources in inventoried roadless areas and other unroaded areas.

Thank you for the opportunity to comment on this draft EIS.

Sincerely,



William L. Woodfin, Jr.
Director

60391



JAMES H. DILLARD, II
4709 BRIAR PATCH LANE
FAIRFAX, VIRGINIA 22032
FOURTY-FIRST DISTRICT

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

V 1 1 5

April 21, 2000

5394

JUN 10 2000

COMMITTEE ASSIGNMENTS:
EDUCATION (CO-CHAIR)
PRIVILEGES AND ELECTIONS
APPROPRIATIONS
CHESAPEAKE AND ITS TRIBUTARIES
RULES

RESOLUTION OF THE BOARD OF GAME AND INLAND FISHERIES

AS APPROVED UNANIMOUSLY AT ITS

JUNE 1, 2000 MEETING

The Board of Game and Inland Fisheries opposes the proposed rule by the U.S. Forest Service to indiscriminately ban timber harvests and limit public access to National Forest Lands in Virginia. These misguided policies are harmful to wildlife and the management of wildlife in general. Policies that ban the harvest of timber are particularly devastating to grouse and woodcock which are dependent upon the new growth resulting from timber cutting. Policies to limit access to the lands owned by all Americans, especially a growing and aging population, deny citizens the right to use their public lands for hunting, fishing, and wildlife viewing.

Director Woodfin is directed to communicate this position to appropriate federal, state, and national political offices.

Michael Dombeck, Chief
U.S. Forest Service
P.O. Box 96090
Washington, D.C. 20090

Dear Mr. Dombeck,

RECEIVED
APR 28 2000
DEPUTY CHIEF NFS

REC'D U.S. FOREST SERVICE
APR 26 2000
CHIEF'S OFFICE

I am writing to express my support for a policy to protect roadless areas in our national forests. As a publicly elected official in Virginia, I urge you to move forward to protect these undamaged natural areas.

The public is justifiably concerned about continued road construction, logging, mining, and other destructive practices in our last undeveloped national forest tracts. The George Washington and Jefferson National Forests here in Virginia are the largest national forests in the Southeast, containing over 400,000 acres of the remaining roadless areas. These areas are important because they provide clean water for downstream communities, recreational opportunities, natural scenic beauty, and wildlife habitat.

Roadless areas also help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. For example, the cities of Charlottesville, Lynchburg, Roanoke, and Harrisonburg are all dependent on public land watersheds.

My understanding is that you plan to hold a public comment period for the purpose of giving citizens an opportunity to express how they feel about this proposal. I commend your efforts in taking the time to listen to what the public has to say. In my opinion, the interest of the public will be best served if you succeed in establishing a strong roadless protection policy. Thanks for your attention to this important issue.

James H. Dillard

RECEIVED
JUN 16 2000



ARLINGTON COUNTY, VIRGINIA
OFFICE OF THE COUNTY BOARD
 #1 COURTHOUSE PLAZA, SUITE 300
 2100 CLARENDON BOULEVARD
 ARLINGTON, VIRGINIA 22201-5406
 (703) 228-3130 • FAX (703) 228-7430
 E-MAIL: countyboard@co.arlington.va.us

June 13, 2000

K I I 5 *yes*

Mr. Scott D. Conroy, Director, Roadless Project
 United States Department of Agriculture
 201 14th Street and Independence Avenue, SW
 Post Office Box 96090
 Washington, DC 20090-6090

CAET RECEIVED
 JUN 14 2000

Dear Mr. Conroy:

Thank you for your letter updating me on your progress regarding roadless areas on National Forest System lands.

I was glad to forward letters on behalf of this cause. It is important that we try to conserve as much of the quickly diminishing forest regions in our nation. Although roads provide people with an opportunity to venture into and appreciate the wilderness, they also provide the same opportunity for Eco-imbalance and the disturbance of naturally occurring wildlife and plants. I truly respect your efforts to preserve forestlands and the inhabitants.

This is an issue I feel very strongly about. Please let me know if there is anything else I can do to help.

Sincerely,

Paul Ferguson
 Member



MEMBERS
 BARBARA A. FAVOLA
 CHAIRMAN
 JAY FISETTE
 VICE CHAIRMAN
 PAUL FERGUSON
 CHARLES P. MONROE
 CHRISTOPHER ZIMMERMAN

CITY OF CHARLOTTESVILLE

City Council
 P. O. Box 911 • Charlottesville, Virginia • 22902
 Telephone 804-971-3113

1 1 5

2819



REC'D FOREST SERVICE
 MAY 15 2000
 CHIEF'S OFFICE

May 10, 2000

Michael Dombeck
 Chief
 U. S. Forest Service
 P. O. Box 96090
 Washington D. C. 20090

MAY 17 REC'D

Dear Mr. Dombeck,

I write as Mayor of the City of Charlottesville to ask you to support the protection of roadless areas in our national forests, which provide a clean and longterm water supply for communities in their watersheds. Our local water supply lies in the watershed of public land, and like other cities, we are facing the needs of an ever-increasing population. A strong policy to protect public lands is necessary for future drinking water needs.

Nearby George Washington National Forest brings our whole community great enjoyment because of its scenic beauty and recreational opportunities. It takes minutes to actually get into the forest from the City, and we hope it will remain undamaged by logging, mining and road-building. Of course, our citizens are also concerned about retaining habitat for the many species of wildlife, including the black bear.

I represent the Charlottesville City Council when I urge you to establish a strong roadless protection policy. Thank you.

Yours truly,

Virginia Daugherty
 Virginia Daugherty
 Mayor

RECEIVED
 MAY 16 2000
 DEPUTY CHIEF NFS

CAET RECEIVED
 JUN 01 2000



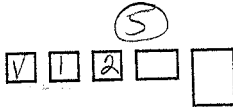
CARY LOCKE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • TTY/TDD (360) 753-6466

July 14, 2000

Mike Dombeck, Chief
USDA Forest Service
P.O. Box 221090
Salt Lake City, Utah 84122



Dear Mr. Dombeck:

I am writing to express the support of the state of Washington for the Forest Service's (FS) proposed Roadless Area Conservation Rule and the Preferred Alternative in the accompanying Draft Environmental Impact Statement (EIS).

Our support for the proposal is based on the great ecosystem benefits of large unroaded areas and the agency's inability to adequately maintain its existing road system. Undisturbed landscapes in roadless areas of 5,000 acres or more provide high quality water and fish and wildlife habitat. While we see similar potential value in parcels between 1,000 and 5,000 acres, we support the proposed approach of having local planning determine whether road building would be appropriate in uninventoried roadless areas. Local planning, with citizen involvement, is also a reasonable way of establishing allowable uses in roadless areas.

Washington has experienced significant environmental harm from the existing network of FS roads. We have suffered stream siltation, erosion, and habitat damage, as the agency's budget for road management and proper abandonment failed to keep up with its enormous road system. We would like to see the FS invest more of its funds in proper maintenance of current roads, rather than construction of new roads in roadless areas.

Better protection of national forest lands in Washington is a critical component of our work to promote salmon recovery and clean water. Often, these areas are the headwaters of our streams and rivers, and their condition greatly affects downstream habitat and health. Your agency's recognition that it must limit additional road building is a step in the right direction.

Thank you for the opportunity to comment on this matter. We appreciate the efforts the FS has made to solicit public input on the scope and content of its new policy, and urge that once you have weighed the public's views, you proceed with rule adoption and EIS completion by the end of the year.

Sincerely,

Gary Locke
Gary Locke
Governor



WASHINGTON STATE DEPARTMENT OF
Natural Resources

JENNIFER M. BELCHER
Commissioner of Public Lands

July 14, 2000

USDA Forest Service - CAET
PO Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Subject: Comment on Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule

Thank you for giving the Washington State Department of Natural Resources (DNR) the opportunity to comment on the Forest Service's plan for the management of roadless areas. We commend the Forest Service on its effort to conserve precious resources within these areas virtually untouched by roading.

The Department has two main concerns with the proposal. One is road access to DNR-managed public trust properties. The other is the Forest Service's road maintenance budgeting, both in roaded portions of the inventoried roadless areas, and on roads which the Forest Service and DNR cost share.

Access

DNR manages state trust lands for income to public beneficiaries. Some of these lands are adjacent to, or surrounded by, proposed roadless areas. We have noted that the Forest Service plans to honor existing legal rights of access through the roadless areas, and we expect that our current negotiations for access to trust lands near the Mount Baker-Snoqualmie National Forest will be successful (not through areas proposed roadless). There are, however, some trust parcels that are vulnerable to future lack of access because there are currently no easements in place. The properties of concern are listed on page 3 of this letter.

We cannot find a clear statement of how the proposal would affect landowners who are surrounded by, or adjacent to, proposed roadless areas as it relates to needed access through roadless-designated lands. In Chapter 3, under "Real Estate Management", the DEIS states that under Alternatives 2 through 4, "...a potential effect on non-recreation special uses may result in a limited number of proposals or future proposals from being considered for authorization..." and that "special uses may be authorized in inventoried and other unroaded areas when the use and occupancy is consistent with the management objectives of an area's roadless values." (Page 141.) It is not clear whether access to adjacent lands is considered a "non-recreation special use", and also unclear whether such use would possibly be considered "consistent with the management objectives of an area's roadless values."

Therefore, we suggest the following:

- The Final EIS should address the affects of the prohibition of road construction on an adjacent landowner's future access, and also discuss mitigation, which may include:
 - special exceptions for the granting of road easements to landowners who are landlocked or for whom no other access options exist, and

Page 1 of 3

1111 WASHINGTON ST SE ■ PO BOX 47000 ■ OLYMPIA, WA 98504-7000
FAX: (360) 902-1775 ■ TTY: (360) 902-1125 ■ TEL: (360) 902-1000
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Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials

17285

19297

**DNR-managed Public Trust Properties
Vulnerable to Lack of Access
Resulting from Proposed Roadless Designation**

<u>Property Descriptions DNR Properties Affected</u>	<u>Adjacent to (National Forest)</u>	<u>DNR Region</u>	<u>Comments</u>
Sections 1,12,11,14,23,26,34, Township 39N, Range 42E, W.M.	Okanogan	Northeast	Bounded on the west by Tardah Creek and on the east by proposed roadless area. Due to topography, it may be difficult to maintain a road system on state land.
Section 36 Township 40N, Range 42E, W.M.	Okanogan	Northeast	Surrounded by proposed roadless area; currently no developed access.
Section 16 (E2 SE4) Township 39N, Range 42E, W.M.	Okanogan	Northeast	Surrounded by proposed roadless area; currently no developed access.
Section 36 Township 27N, Range 18E, W.M.	Wenatchee	Southeast	Surrounded by proposed roadless area; currently no developed access.
Section 27 (portion of NE4) Township 7N, Range 43E, W.M.	Unatilla	Southeast	Surrounded by Forest Service land, a portion is adjacent to proposed roadless area; currently no developed access.
Section 16 Township 7N, Range 39E, W.M.	Unatilla	Southeast	Nearly surrounded by proposed roadless area; currently no developed access.
Sections 22, 28 Township 6N, Range 5E, W.M.	Gifford Pinchot	Southwest	Due to steep terrain, future access to portions of these sections may be requested.

Page 3 of 3

SBLL 1

17285

the Forest Service's willingness to purchase or exchange adjacent properties where an exception is not possible under the roadless designation.

- The proposed rule under §294.12 should include an exception which says the Forest Service would not prevent adjacent or landlocked property owners from access to their properties, if crossing an inventoried roadless area is the only reasonable access.

Maintenance

We also have concern about the Forest Service's diminishing road maintenance budget, [in FY 2000 the Forest Service received "...less than 20% of the funding needed to maintain its existing road infrastructure..." (page 3-13)] and the plan to shift funds away from the proposed roadless areas (page 3-19).

The DEIS does not address adverse environmental impacts if existing roads are not adequately maintained in light of the acknowledged downward budget trend for road maintenance. On page 3-94, under Alternative 2, the DEIS states, "(O)verall, effects to conservation of species and maintenance of biodiversity would be beneficial, with no adverse direct, indirect, or cumulative effects are (sic) anticipated." This statement may be true for reduced road construction and use, but not necessarily true for abandoned roads not formally removed and left to decay. If roads are abandoned but not removed, negative water quality impacts downstream result, possibly impacting federally listed threatened, endangered, and proposed species, both on and off Forest Service land.

The Final EIS should address the impact on the environment of limited funding for road reconstruction and abandonment in the roaded portions of inventoried roadless areas. It should identify those areas where existing roads will no longer be used, and address impacts from whether and how those roads are removed.

Also, a correction may be warranted on page 3-16 where prohibition alternatives are discussed. Under Alternative 1 on page 3-16, the DEIS states that approximately 300 miles of road construction and reconstruction is planned in inventoried roadless areas over the next five years. On page 3-17, a larger figure, 1,444 miles, is used to describe the same activity. Subsequent tables 3-4 and 3-5 support the larger figure.

Finally, although this is not a direct comment on the DEIS, we are concerned about the maintenance of the many roads that the Department and the Forest Service cost share, and that an action the magnitude of the Roadless Area Conservation proposal may lead to further reductions in maintenance funding. We expect that the Forest Service is committed to improving the budgetary support of road maintenance, and that there will continue to be a fair sharing of costs for the maintenance of roads on which we share responsibility.

If you have questions, you may contact Dave Dietzman at (360) 902-1633.

Sincerely,



Kaleen Cottingham
Deputy Commissioner of Public Lands

KC:gg

Page 2 of 3



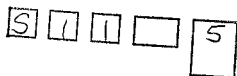
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

17255

July 12, 2000

USDA Forest Service, CAET
Attn: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City UT 84112



MAIL RECEIVED
JUL 17 2000

Dear Sirs:

Thank you for the opportunity to comment on the draft environmental impact statement (EIS) for the Forest Service Roadless Area Conservation project (File Code: 1950-3). We have reviewed the draft EIS and have the following comments.

Washington State Department of Ecology is very concerned with the lack of road maintenance and abandonment activities being conducted by the US Forest Service. By Forest Service estimates, annual road maintenance activities are only 20 percent funded and the backlog is growing. As a result of this failure to appropriately manage roads within Forest Service ownership, many roads are literally falling off hillsides with devastating effects on clean water and fish.

Any proposal that includes the building of new roads—for emergency access or for other purposes—should also include solutions and identification of funding for how the Forest Service will adequately address road maintenance and abandonment activities for these and existing roads.

We also recommend that the final EIS evaluate the economics related to the lack of sufficient annual road maintenance funding and the backlog in need of attention. Money is better spent on preventing problems than on restoring damaged ecosystems. The EIS should address prevention costs versus the costs of restoration. The primary criteria for selection of a preferred alternative should be one that includes a funding source to bring all Forest Service roads within the State of Washington into compliance with state water quality standards as soon as possible, but no longer than fifteen years from now.

The Forest Service has many excellent and dedicated professionals committed to protecting water quality and fish, but they are overwhelmed by the scope of the problem. While the EIS should evaluate some planning criteria and elements, there are many activities that if funded, will effectively maintain the roads and protect water quality. For example, the regular cleaning of culverts and ditch lines is a straightforward activity that needs money rather than planning.

US Forest Service
July 12, 2000
Page 2

17255

If you have any questions, please call Mr. Mark Bentley with our Water Quality Program at (306) 407-7269.

Sincerely,

Rebecca J. Inman
Environmental Coordination Section

EIS #003379

cc: Mark Bentley, SWRO
Abbe White, SWRO

STATE REPRESENTATIVE
32nd DISTRICT
CAROLYN EDMONDS

State of
Washington
House of
Representatives



19292

CAPITAL BUDGET
VICE CHAIR
HEALTH CARE
HIGHER EDUCATION

V 1 2 3 4 5

July 17, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

As a member of the Washington State House of Representatives, I would like to voice my support for President Clinton's proposal to protect the roadless areas of our national forests. In so doing, I ask that the Forest Service to immediately prohibit road building and logging in all national forest roadless areas. In addition, these roadless areas must be permanently protected from environmentally destructive activities, such as mining, grazing, off-road recreational vehicle use, and ski area development.

The Washington State Legislature, with the leadership of Governor Gary Locke, has been working very hard on issues of salmon recovery. Protecting roadless areas in our natural forests will help this effort tremendously as it is one component of a comprehensive local, state and federal partnership necessary to protect our salmon.

A strong economic future for our region depends upon preserving our quality of life. Protecting roadless areas in Washington helps protect our citizens' quality of life by providing beautiful landscapes for recreation and education.

There are countless compelling reasons to protect the roadless areas in our national forests. From rainforest conservation to watershed stabilization and from salmon recovery to outdoor habitat preservation, protection of these areas is vital to maintaining our ecosystem. I ask, on behalf of the residents of the 32nd Legislative District in Washington State, that these areas be preserved and protected.

Thank you for your consideration of my comments and for your efforts to protect our national forests for generations to come.

Sincerely,

Carolyn Edmonds
State Representative, 32nd Legislative District

LEGISLATIVE OFFICE: 305 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7860
TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993
DISTRICT OFFICE AFTER SESSION: 17062 MIDVALE AVE N, SUITE 202, SHORELINE, WA 98133 • (206) 368-4692
PRINTED ON RECYCLED PAPER



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Control No: 4153942

April 17, 2000

Michael Dombeck
Chief
United States Forest Service
P.O. Box 96090
Washington, DC 20090

RECEIVED
MAY - 2 2000
DEPUTY CHIEF NFS

CAET RECEIVED
JUN 08 2000

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a Washington State Representative, I understand the critical importance of intact and undamaged pristine wilderness areas. Washington is home to over three million acres of unprotected, wild federal forest lands that can still be preserved from unwise development through this policy.

The President's directive, and the public process that will produce a long-term policy, is fiscally responsible, environmentally prudent and reflects the high value Washingtonians place upon our publicly-owned open spaces and wild forests. The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal and want to see these areas protected. With over half of the federal forest land in Washington already open and vulnerable to logging, mining and other destructive practices, I feel that we must act now if we are to save these natural treasures for future generations. Washington is fortunate to have some of the nation's most impressive national forests. From The Olympic National Forest to the Eastern Cascades, Washington State is filled with some of the most spectacular remaining roadless areas in the country. These priceless backcountry jewels include places like Barclay Lake, Dark Divide and South Quinault Ridge on the Olympic Peninsula. Protecting them protects our natural heritage and ensures a vibrant future.

Protecting these scenic wilderness areas also makes sound economic sense. Our national forests already have over an eight billion-dollar backlog in maintenance costs for the existing network of 377,000 miles of logging roads, enough to circle the earth fifteen times. With taxpayers footing the bill for every mile of new road construction, it makes no sense to continue to build new roads at the public's expense when we can't even afford to maintain the ones we already have. Leaving roadless areas roadless not only saves tax dollars, but it also helps local economies. Roadless areas provide scenic vistas, hunting, camping, fishing, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public

LEGISLATIVE OFFICE: 317 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7864
TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993
E-MAIL: reardon_aa@leg.wa.gov
PRINTED ON RECYCLED PAPER



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Jul-17-00 09:36am From-


T-262 P.01/01 F-002

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wealth than using them for extractive purposes.

In addition, roadless areas provide essential human services. These wild forests help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of our nation's water supply comes from national forests, with roadless areas producing the purest of that water. Many of Washington's cities and municipalities get their water supply from National Forest System Lands. These unlogged, unroaded areas also protect private property from landslides and flood damage. Of all the tactics being suggested to save salmon, this one is the cheapest and easiest, simply keep our wild forests wild.

This bold and visionary proposal will have enormous benefits for the citizens of Washington, their children and grandchildren. Preservation of these dwindling scenic wildlands is vital to passing on our quality of life and our incomparable natural heritage to future generations. Therefore, as an elected official in Washington State, I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Aaron Reardon
State Representative
38th District

STATE REPRESENTATIVE
27th DISTRICT
DEBBIE REGALA

State of
Washington
House of
Representatives



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NATURAL RESOURCES
CO-CHAIRMAN
APPROPRIATIONS
JOINT LEGISLATIVE
AUDIT & REVIEW COMMITTEE
(LARC)

July 17, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

To Whom it May Concern:

I am State Representative Debbie Regala and currently represent the 27th Legislative District in the State of Washington. I am also Co-Chair of the House Natural Resources Committee.

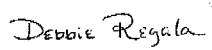
I am writing to strongly encourage further consideration of President Clinton's proposal for preserving roadless areas. I understand this proposal would prohibit road construction and reconstruction in inventoried roadless areas and require Forest Service officials to evaluate these areas as part of the forest planning process.

Washington State has a total of 9,202,000 acres of National Forest System Lands with 1,892,000 acres being inventoried roadless areas. Our natural resources are vital to this state and protecting these areas will certainly be beneficial environmentally, socially, and also economically.

Currently there is little interior habitat still available within our national forests. I believe it is vital we protect these roadless areas from any potential development. Roads are very intrusive on interior forest habitats. They promote invasion by exotic species and they negatively impact the biological processes of ecosystems. Keeping these areas roadless will be key to preserving the ecosystems which interior habitat dependent species rely upon.

In my current position I have had the opportunity to work with both timber industry and environmental interests. While there are some within the timber industry who feel this proposal goes too far and is too restrictive, I must disagree. If we do not preserve these untouched areas we will never be able to get them back.

If you have any further questions please feel free to contact me at my office in Olympia. The number is 360-786-7974.

Sincerely,

DEBBIE REGALA
State Representative
27th Legislative District

LEGISLATIVE OFFICE: 431 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • (360) 786-7974
E-MAIL: reregala_dc@reg.wa.gov
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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



DENNIS A. SNOOK, Danville-District 1
JAMES M. HALL, Republic-District 2
GARY W. KOHLER, Inchelium-District 3



July 17, 2000

USDA Forest Service - CAET
PO Box 221090
ATTN: Proposed Roadless Areas Rule
Salt Lake City, UT 84122

In regards to the Forest Service Roadless Areas Conservation Draft Environmental Impact Statement we would like to offer the following comments:

The proposed rule is in violation of the Small Business Regulatory Enforcement Fairness Act of 1996, which requires agencies to examine and mitigate for the impact a proposed rule will have on small businesses, small cities and small towns.

This proposed plan would eliminate mining, timber harvest, expansion of recreation facilities, non-recreational special uses including linear irrigation facilities, utility lines and communications sites that rely on road access to accommodate construction, operation and maintenance on over 54 million acres or 28% of National Forest Service lands. Wildfires resulting from the inability to treat fuels will affect on-site and downstream soil, water and air resources as well as destroy sustainable timber harvests.

These are just a few of the more important issues that we feel will have very direct negative impact on rural areas such as Ferry County. We insist that our comments be considered.

Sincerely,
FERRY COUNTY BOARD OF COMMISSIONERS

James M. Hall
JAMES M. HALL, Chairman

Gary W. Kohler
GARY W. KOHLER, Member

Dennis A. Snook
DENNIS A. SNOOK, Member

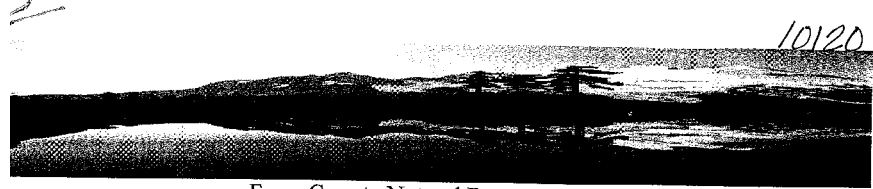
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FERRY COUNTY
BOARD OF COMMISSIONERS
and BOARD OF EQUALIZATION

350 EAST DELAWARE #5
REPUBLIC, WASHINGTON 99166
TELEPHONE (509) 775-5229 • FAX (509) 775-5230
e-mail: ferry@coopext.cahe.wsu.edu

Lynne Baldwin
Clerk of the Board

CAET RECEIVED
JUN 17 2000

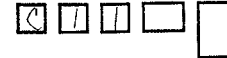


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Ferry County Natural Resource Board

350 East Delaware P.O. Box 115 Republic, WA 99166

June 22, 2000



USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Re: Forest Service Area Conservation
Draft Environmental Impact Statement

The proposed rule is in violation of the Small Business Regulatory Enforcement Fairness Act of 1996. SBREFA requires agencies to examine and mitigate for the impact a proposed rule will have on small entities (small businesses, small cities, small towns). Under the law, federal agencies are required to determine whether a regulation has a **significant economic impact** on a substantial number of small entities. Inventoried roadless areas comprise over 54 million acres, or 28% of National Forest system land. (Forest Service Roadless Area Conservation DEIS Volume 1 Page S-1).

This plan eliminates mining, timber harvest, expansion of recreation facilities, non-recreational special uses including linear irrigation facilities, (ditches, canals, pipelines, utility lines (oil/gas pipelines, fiber optic and telephone lines, power lines and communication sites. These types of uses generally, but not always, rely on road access to accommodate construction, operation and maintenance. These type of uses occur within inventoried and unroaded areas. (Forest Service Area Conservation DEIS Page 3-141).

Approximately 2 million acres of inventoried roadless areas contain high priority watersheds identified in the ICBEMP for conservation. 5 million acres of inventoried roadless areas contain identified priority watersheds for conservation of bull trout and other species. (Forest Service Area conservation DEIS Page 3-79)

The Colville National Forest is categorized as high for Broad-scale Landscape Restoration Priorities (Interior Columbia Basin Supplemental Draft EIS Volume 1 Map 3-2 Page 94/Chapter 3)

CAET RECEIVED

JUN 28 2000



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60341

1820 Jefferson Street
PO Box 1220
Port Townsend, WA 98368

Dan Harpole, District No. 1 Glen Huntingford, District No. 2 Richard Wojt, District No. 3

June 13, 2000

USDA Forest Service - CAET
Attention Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

Support of the Rule to Prohibit Road Building in Roadless Areas

I offer my support for this rule as follows:

- A) Lack of maintenance of 350,000 miles of forest service road is causing the loss of habitat.
- B) Keeping the promise of sustainable forests by farming and production from the cut over areas of the US that constitutes an area much greater than what's left.
- C) The undisturbed forest provides for more possibilities than timber production; such as, clean water, recreation, wildlife refuges and corridors, etc.
- D) The cost of extraction of timber is a negative. It is in the nations interest not to log again because the present logged and mined areas aren't being maintained.

Sincerely,

Richard Wojt,
Commissioner

BOCC/RW/d

CAET RECEIVED
JUN 15 2000

Phone (360)385-9100 / 1-800-831-2678 Fax (360)385-9382 jeffbocc@co.jefferson.wa.us

07/17/00 14:51 206 205 5605

K C EXEC OFFICE

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King County Executive
RON SIMS

NATURE SAVER™ FAX MEMO 01616		Date	7/17	# of Pages	2
To	US Forest Service	From	King County		
Co/Dept		Co	Executive Office		
Phone #		Phone #	(206) 206-4140		
Fax #	877-703-2494	Fax #	(206) 206-0194		

July 17, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

As County Executive of the 1.7 million residents in King County, I am writing in strong support of President Clinton's Roadless Area Plan. I believe that prohibiting construction of new roads within inventoried roadless areas now is vital to the long-term economic and environmental health of the Pacific Northwest.

Since 1980, the population of King County has increased by 500,000. This rapid population growth has been driven by companies like Microsoft, Immunex and Real Networks. Their presence here is directly attributable to the preservation of wilderness areas like the Alpine Lakes and Forest Service roadless areas. The scenic beauty and the solitude provided by these areas defines the character of Puget Sound. As this Region becomes more densely populated, it is imperative that permanent protection of the few remaining wild places be secured, forever.

This action will also assist in a critical effort to restore Pacific Salmon species listed under the Endangered Species Act. The scientific community has told me that one of the first actions we must collectively pursue is to protect the remaining high quality habitat within the region. Protection of these roadless areas is an effective way to partner with state and local government in the preservation of Salmon.

The Roadless Area Plan starts, but does not finish the job. There are several magnificent areas in the Northwest which have not been inventoried which deserve immediate protection. They include large expanses of the Middle Fork Snoqualmie Valley, its pristine Pratt River, Lake Annette and Mt. Index. These wild places will be subject to permanent environmental damage by activities like mining and road building unless the Forest Service acts, now to protect them.

KING COUNTY COURTHOUSE 516 THIRD AVENUE, ROOM 400 SEATTLE, WA 98104-3271
(206) 296-4040 296-0194 FAX 296-0200 TDD E-mail: ron.sims@metrokc.gov

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

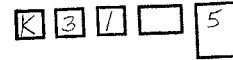
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USDA Forest Service - CAET
July 17, 2000
Page 2

17280



KLICKITAT COUNTY
BOARD OF COUNTY COMMISSIONERS



205 S. COLUMBUS AVENUE, ROOM 103, MS-CH-04, GOLDENDALE WASHINGTON 98620 • FAX 509 773-6779 • VOICE 509 773-4612
DONALD G. STRUCK, DISTRICT #1
JOAN FREY, DISTRICT #2
RAY THAYER, DISTRICT #3

0343

In conclusion I believe the existing network of 380,000 miles of roads in our National Forests is enough. Permanent protection of the 60,000 roadless acres by this proposal, plus key additions of currently uninventoried lands is absolutely essential for the continued health of King County's 1.7 million residents.

Thank you for the opportunity to comment on the Roadless Area Plan. If you have any questions on this regionally important issue, please contact me, at (206) 296-4040, or Mark Sollitto, Senior Policy Analyst, at (206) 205-0705.

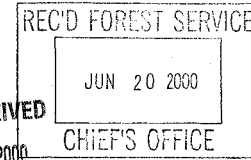
Sincerely,

Ron Sims
King County Executive

cc: Tim Ceis, Chief of Staff, King County Executive Office
Stephanie Warden, Director, Office of Regional Policy and Planning
ATTN: Mark Sollitto, Senior Policy Analyst

June 14, 2000

JUN 21 RECD
CAET RECEIVED
JUN 22 2000



Mike Dombeck, Chief
United States Forest Service
P.O. Box 96090
Washington, D.C.

Dear Chief Dombeck:

We, as Commissioners of Klickitat County, State of Washington, wish to go on record opposing any further restrictions on traditional uses of Federal lands such as the **Roadless Area Conservation Proposal**. We, as a rural county, depend on a resource-based economy, i.e. timber, ranching, farming, and on a growing recreation presence year round (snowshoeing, snowmobiling, dog sledding, cross country skiing during the winter months; and hiking, camping, huckleberry picking, and all other summer recreation.) All of these activities are presently actively pursued along the County's western boundary in the Gifford Pinchot National Forest. The communities of Trout Lake, Glenwood, BZ Corners and Bingen-White Salmon rely heavily on the revenues generated by these activities.

We are not opposed to protecting the environment...we encourage it. But, we encourage it through wise and thoughtful resource management. Our National Forests are one of our greatest treasures. But they must continue to be protected in a way that allows access for the average citizen and a continuing use of the resources which are vital to the local and national economies.

We realize that this initial proposal is directed toward the roadless areas identified in the Rare II Studies conducted several years ago. These have been in a roadless category since that time. Our major concern is that this is the first step in enlarging the Wilderness system on National Forest Lands.

Multiple use was one of the guiding principals of the Forest Service for many years. It worked very well then, and would continue to do so if given the proper importance and support.

We encourage you to carefully weigh all the effects of your decision in this matter, including the needs of the people who live, work and enjoy our great Northwest and other areas where this initiative would apply.

6343

LEWIS COUNTY COMMISSIONERS



LEWIS COUNTY COURTHOUSE
360 NW NORTH ST. MS:CMS01
CHEHALIS, WASHINGTON 98532-1900
(360) 740-1120 • FAX: (360) 740-1475
TDD: (360) 740-1480

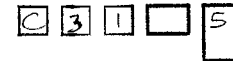
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RUSS WIGLEY
First District
RICHARD GRAHAM
Second District
DENNIS HADALLER
Third District

Connie Robins, C.P.A.
Budget Officer

Sheila Unger
Office Manager

July 6, 2000



USDA Forest Service—CAET
Attention: Roadless Area Conservation Rule
P O Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 10 2000

Dear Sir:

Thank you for the opportunity to comment on Roadless Area Conservation Project. The Board of County Commissioners would like to endorse the preferred alternative, # 2 as outlined in the proposed Roadless Area Conservation Project. We are in favor of this alternative in which road construction and reconstruction would be prohibited in the inventoried roadless areas.

We have reviewed this matter carefully and it does not appear to be a big factor or one that would be a negative impact to the citizens of Lewis County.

We would also urge the Forest Service to continue the up-keep on the existing trails to keep them open and accessible so that our citizens can to use these areas.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY WASHINGTON

Dennis Hadaller
Dennis Hadaller, Chairman

Russ Wigley, Member

Richard Graham, Member

DH:smu

Sincerely,

BOARD OF COUNTY COMMISSIONERS
Klickitat County, Washington

Joan Frey, Chairman

Donald G. Struck
Donald G. Struck, Commissioner

Ray Thayer
Ray Thayer, Commissioner

Cc: Dan Glickman, Secretary of Agriculture
Bruce Babbitt, Secretary of the Interior
Senator Slade Gorton
Senator Patty Murray
Congressman Richard "Doc" Hastings
Congressman Brian Baird
Greg Cox, District Ranger



**SKAMANIA COUNTY
BOARD OF COMMISSIONERS**

Skamania County Courthouse
Post Office Box 790
Stevenson, Washington 98648
(509) 427-9447 FAX: (509) 427-7365
TDD Relay Service (800) 833-6388

43570

JUDY A. CARTER
District 1

EDWARD A. McLARNEY
District 2

AL McKEE
District 3

K B L [] 9

June 26, 2000

CAET RECEIVED
JUL 14 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

To Whom It May Concern:

Skamania County, which contains approximately 60% of the Gifford Pinchot National Forest and is comprised almost exclusively of forested land, has several concerns about the potential impacts roadless area designations.

First, but not necessarily in order of priority, roadless designations should not impact the ability of private timber owners or the Washington State Department of Natural Resources to access their lands. All private landowners and other agencies should be allowed access to practice intelligent stewardship on their properties.

Second, the ability to prevent, control, and extinguish wildfires should not be hampered or curtailed by a roadless policy. Because our county is all timber, including a large percentage of the urban areas, wildfires are a very real concern.

Third, Skamania County is depending more and more on visitors from outside our area for economic support. Closing down areas can have a definite effect on the ability of hunters, fishermen, elderly persons and the handicapped to enjoy the total landscape with other members of their social groups and/or families.

Fourth, our Search and Rescue people and our Sheriff's Department are being called upon more and more to find people who are lost or help people who are injured in the national forest. A good road system is very important for facilitating rescue operation sand for helping both the lost and the searchers in recovery operations.

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Last, but certainly not least, we are very concerned about a balanced approach to providing habitat for wildlife. Without a common sense timber stewardship program across the landscape, how are we going to provide habitat for the many fringe-dwelling animals that depend on open areas for their very survival?

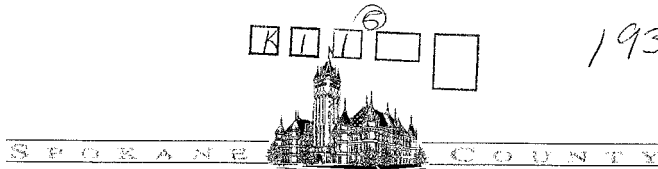
We apologize for these comments not being more specific to actions that might be taken in the suggested roadless areas, but we have not had the time to run down the people who could address our concerns for each area. However, we will try to follow up with more specific requests and in the meantime will depend on you to see that the above concerns are addressed.

Thank you

Edward A. McLarney
Edward A McLarney, Commissioner
Chairperson

Judy A. Carter
Judy A. Carter
Commissioner

Albert McKee
Albert McKee
Commissioner



OFFICE OF COUNTY COMMISSIONERS
JOHN ROSKELLEY, 1ST DISTRICT • KATE MCCASLIN, 2ND DISTRICT • PHILLIP D. HARRIS, 3RD DISTRICT

July 7, 2000

Forest Service - CAET
P.O. Box 22190
Salt Lake City, UT 84122

RECEIVED
JUL 12 2000

Attention: Roadless Area Conservation Proposed Rule

Thank you for the opportunity to comment on the US Forest Service Roadless Area Conservation Proposed Rule concerning maintaining our last remaining roadless areas in our national forest lands. Spokane County citizens have access to many of our local national forests in northeast Washington and northern Idaho and many would like to see a comprehensive plan that protects these remaining roadless areas.

In light of the recent information where the Forest Service acknowledged a deficit of \$88 million lost in timber sales due in part to road construction, further degradation of our national forests based on traditional policy is unacceptable. Our country should not be in the business of corporate welfare and subsidizing timber companies. We should be in the business of managing our lands for a variety of uses, including recreation, timber management, wildlife and resource protection.

We must take a strong stand and protect the last remaining wilderness areas left to ensure protection for wildlife and large eco-systems, so important to a healthy environment, clean air and water. Inclusion of roadless areas of five thousand acres and greater in the Northwest Forest Plan is just a small step in the right direction protecting these national resources. In reality, we should take the next step and protect inventoried areas of one thousand acres and greater and not allow any type of commercial logging, such as by helicopter or highline.

Spokane County citizens recently voted to tax themselves by a strong majority to preserve conservation lands within our county. Our citizens know how important riparian areas, wetlands and large tracts of forest and brush are to maintain the same quality of life we now enjoy. In a larger sense, roadless areas provide that same potential for preservation to the country as a whole.

Again, I strongly urge you to adopt as the final policy the Roadless Area Conservation Proposed Rule with the removal of the helicopter and highline logging.

Sincerely,

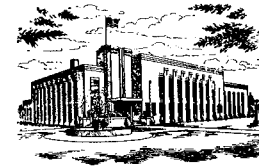
John Roskelley
John Roskelley
Spokane County Commissioner, District 1

19314

Fran Bessermin
District No. 1

Vickie L. Strong
District No. 2

Fred Lotze
District No. 3



Stevens County Commissioners
215 South Oak St., Rm #214
Colville, WA 99114
Phone (509) 684-3751
Fax (509) 684-8310

14 3 1 5

July 12, 2000

Scott Conroy, Project Director
USDA Forest Service, CAET
P.O. Box 221090
Salt Lake City, UT 84122

RECEIVED
JUL 17 2000

Re: Roadless Areas Proposed Rule

Dear Mr. Conroy:

Please consider this letter as our comments on the proposed Roadless Area Draft Environmental Impact Statement and Proposed Roadless Area Conservation Rule. We are very concerned about the impact of these proposals on our local communities, local economies and our way of life. We urge much more study and analysis of likely impacts to communities such as ours where timber management is a primary occupation.

We are also disappointed about the lack of a collaborative process in the development of this roadless initiative. We do not feel that the voices of communities such as ours are being considered or listened to. It appears that the outcome of these processes is predetermined and the Forest Service is simply going through the motions of asking for public comment. We hope this is not the case.

We have additional concerns regarding procedures, legality, science, misleading and incorrect information, and lack of real local flexibility. Additionally we urge the Forest Service to consider how your current process is negatively affecting the public's

USDA Forest Service
July 12, 2000
Page 2 Of 2

trust in your agency and your credibility. To restore lost trust and confidence may prove to be difficult should the need for a truly collaborative process ever be necessary.

It appears to us the current proposals are generated more from political expediency rather than balanced environmental protection and healthy forest stewardship. In conclusion, we are very concerned about this roadless initiative and the failure to honestly identify and consider the potential impacts to communities such as Stevens County.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON

Fred Lotze
Chairman Fred Lotze

Fran Bessermin
Commissioner Fran Bessermin

Vickie L. Strong
Commissioner Vickie L. Strong

BOCC:lme

BOCC:pc
cc: Colville Forest Supervisor, Nora Rasure

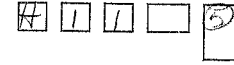
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CITY OF FORKS

002

43971



P.O. Box 1998 • 500 East Division • Forks, Washington 98331-1998
(360) 374-5412 • Fax: (360) 374-9430 • Web: www.forkswashington.org

Chief Mike Dombeck
United States Department of Agriculture
Forest Service
Washington Office
201 14th & Independence, SW
Post Office Box 96090
Washington, D.C. 20090-6090

13 July 2000

CAFT RECEIVED
JUL 17 2000

RE: Public comments on the proposed Roadless Area Conservation Project

Dear Chief Dombeck:

On behalf of the City of Forks I would like to thank you for the opportunity to provide comment on the proposed Roadless Area Conservation Project (RACP) that is under consideration by the Forest Service. As you are aware, Washington's Olympic Peninsula is closely associated with the growth, harvest, and regrowth of timber on private, state, and federal lands. For us, any further shift in policy on the Federal forests is an issue of concern, since such shifts tend to impact our community, our economy, our schools, and our County's roads. The proposed RACP is one such project that I believe will have a negative impact upon our community and other rural timber communities in and about the proposed roadless areas in Washington State.

Before getting into specific concerns with the RACP, I want to address an overall issue that the RACP raises in my mind. That is a fundamental question to you and the Nation of whether or not we want to see our Forest Service and its associated lands function as a working forest with all of the various mixed uses associated with that concept or to move closer and closer to a forest that is primarily functioning as parkland and wilderness preserve? The concern is that we are seeing more and more activity by the Service that is indicating that it and the Executive Office would like to have its National Parklands, Wilderness Preserves, Roadless Areas, and recreational forests managed by rules, judicial edicts, or environmental special interests that would prevent the actual cutting of trees. Unfortunately, the RACP will only add to the inability of the Service to actually produce timber in quantities that would reduce the U.S.' demand for imported timber products where environmental rules are less stringent or important. The fundamental question I raised above, however, needs to be addressed with some finality across the Nation's forests. With that said, I would now like to turn to the actual RACP and the various options discussed within the EIS documents.

The City would support Alternative 1 as its preferred option. This ensures that all of the Forest Service properties not already set aside or taken off base would still be available for timber production and harvest for current and future generations needing wood products. This option would ensure that some 9,714 jobs are maintained in Region 6 that would generate over \$279 million dollars of direct or indirect income in the rural parts of Oregon and Washington. It would also ensure that approximately \$35 million dollars are paid to the two states' schools and counties. The

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timber stands in the proposed roadless areas would then become a part of the overall harvest of the Service. This is the preferred option in our opinion.

Alternative 2 – the Services preferred option – undermines one of the original purposes of the national forests – a resource for the providing of wood and revenue to a growing nation. The Services' "Preferred Alternative" reduces the land base that could be made available for timber production. Alternative 2 represents a loss of 800 MMBF in harvestable timber across all national lands versus the No Action alternative. This 800 MMBF represents many more jobs and economic spinoffs than are reflected within the Tables found at 3-186 and 187. Since the cost of harvests under Alternative 2 will increase by 3-5 times (see page 3-115), it is highly unlike that the projected harvest volumes relied upon in the analysis of Alternative 2 will actually be met. In addition, there is a presumption that harvests would actually occur. With continual judicial decrees becoming the default management policy of the Service, such an assumption may in actuality be wishful thinking.

Alternatives 3 and 4 are radical in their scope and their impact. If they were to be adopted it is certain that rural communities across this nation would suffer even more. More rural workers would be displaced, more jobs lost, more homes foreclosed, more communities threatened with extinction. Between 1990 and 1995 there was a nationwide drop by 47% of the timber harvested off of the National Forests. These two proposals would only increase that drop and would be in contradiction to some of the fundamental objectives associated with the National Forests.

On behalf of the City of Forks, I strongly urge you to consider the adoption of Alternative 1 – the no action alternative.

Sincerely,

Phil Arbeiter
Phil Arbeiter
Mayor

Cc: Congressional Delegation



CITY OF PORT ANGELES

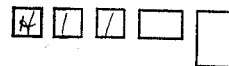
WASHINGTON, U. S. A.

CITY MANAGER'S OFFICE

19317

(5)

July 10, 2000



CAET RECEIVED
JUL 12 2000

USDA Forest Service CAET
Attn: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Forest Service:

The City of Port Angeles hereby files its objection to the proposed roadless forests initiative that would impact the Olympic Peninsula. This action was authorized through unanimous approval by the City Council at their 6/19/00 meeting. The thrust of our concern is the further eroding of our natural resource based industry with additional restrictions, and the fact that this far-reaching impact is being implemented without the benefit of debate in representative government but through administrative action.

We are very fortunate to be able to both live and work in such a beautiful part of Washington State that has access to areas of forest harvest as well as wilderness preservation. While there will always be strong positions on this issue of forest management, we have always found ways to seek collaborative compromise through the communication, respect, and diplomacy of an open system of public involvement and representation. We believe that all representative stakeholders should be afforded this opportunity and political process of open debate rather than a more restrictive administrative process. In addition, we are concerned that the perception of this initiative having minimal impact upon the local economy is overly simplified. Our schools receive a fraction of the timber revenue once enjoyed, our natural resource based industries employ a fraction of the workforce they once enjoyed, and our economies still struggle to retain and attract that diversity so enjoyed by the Puget Sound Region. Additional regulations mean additional expense to sustaining the fragile timber industry we have remaining, especially as they compete with other areas of our country and world for raw materials.

In addition, we see the Roadless initiative as an issue that will further add to the negative economic impacts resulting from the collapse of the Forest Service Road Maintenance Program. Together with the Roadless Plan, these two issues will lead to a significant decline of total harvest acres.

We urge the emphasis to be on sustaining current practices that are already restrictive due to National Park and Forest regulatory requirements rather than adding this new initiative. Through collaborative management of our natural resources, we believe our local community will be better served and sustained through a more balanced approach to forest management for both preservation and the regeneration of this valuable natural resource.

Sincerely,

Michael Quinn

Michael Quinn
City Manager

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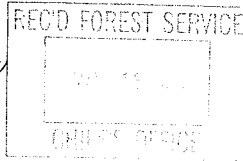
321 EAST FIFTH STREET • P. O. BOX 1150 • PORT ANGELES, WA 98362-0217
PHONE: 360-417-4500 • FAX: 360-417-4509 • TTY: 360-417-4645
E-MAIL: CITYMGR@CI.PORT-ANGELES.WA.US



Seattle City Council 2818

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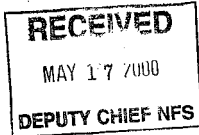


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May 12, 2000

MAY 17 RECD

Michael Dombeck, Chief
United States Forest Service
P.O. Box 96090
Washington, DC 20090



CAET RECEIVED
JUN 0 1 2000

Dear Mr. Dombeck:

We urge you to adopt a policy that protects roadless areas in our national forests. Pristine wilderness areas are a vital part of our Northwest heritage and future, particularly in light of the recent listing of the Chinook Salmon as a threatened species. Washington is home to over three million acres of unprotected, wild federal forest lands that can still be preserved from unwise development.

Protecting scenic wilderness areas makes sound economic sense. Our national forests already have a backlog of over eight billion dollars in maintenance costs for the existing network of 377,000 miles of logging roads (enough to circle the earth fifteen times!) We cannot continue building new roads at public expense when we lack the funds to maintain the ones we already have. Leaving roadless areas roadless not only saves tax dollars, it helps local economies. Roadless areas provide recreational opportunities that can retain current residents and businesses and attract new non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting wilderness will lead to more public wealth than using it for extractive purposes.

In addition, roadless areas provide essential human services. These wild forests help recharge aquifers and are often in the headwaters of municipal watersheds like Seattle, providing clean water with lower water treatment costs for local residents. In fact, it has been estimated that 80 percent of our nation's water supply comes from national forests; the purest of that water flows from roadless areas. These unlogged roadless areas also protect private property from landslides and flood damage. Of all the tactics being suggested to save salmon, simply keeping our wild forests wild is one of the cheapest and easiest.

We urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Margaret Pageler
Margaret Pageler
City Council President

Jim Compton
Councilmember Jim Compton

Richard Conlin
Councilmember Richard Conlin

Jan Drago
Councilmember Jan Drago

Nick Licata
Councilmember Nick Licata

Richard McIver
Councilmember Richard McIver

Judy Nicastro
Councilmember Judy Nicastro

Peter Steinbrueck
Councilmember Peter Steinbrueck



OFFICE OF THE CITY COUNCIL - CITY OF SEATTLE

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July 14, 2000

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RECEIVED
JUL 17 2000

Mike Dombeck, Chief
USDA Forest Service - CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Chief Dombeck:

We are writing to encourage you to strengthen the proposed Roadless Area Conservation Plan because of the enormous potential it could have on Seattle's salmon restoration efforts, our citizen's quality of life and our local economy. Over the past year, more than half a million other citizens have asked for a national policy that permanently protects roadless areas one thousand acres and larger on all national forests from logging, road building, mining, and other destructive activities. We were very encouraged by President Clinton's October 13 remarks and the Administration's intent to permanently protect what remains of our wild forest heritage across the National Forest System.

Washington State has over three million acres of unroaded national forest lands at stake under the current proposal. The benefits to protecting all unroaded national forest lands are clear to the citizens of Seattle and the greater Puget Sound region:

- 1) Given the existing salmon crisis, *all* layers of government are going to be forced to make difficult (and sometimes expensive) changes to the way we manage our natural resources. The City of Seattle recently solidified a Habitat Conservation Plan with the federal government protecting fish and wildlife values in the Cedar River watershed. Seattle water-users are sacrificing by paying higher utility costs to protect endangered salmon. We are asking the federal government to do their fair share in helping Seattle protect salmon: by protecting prime fish habitat found in national forest roadless areas.
- 2) The City of Seattle benefits tremendously from the superior quality of life found in the Pacific Northwest. Families, individuals and businesses choose to locate and work in our city because of the incredible recreational and aesthetic values that are found in our "Cascade backyard." (Of particular importance is the booming

recreational industry, led by Seattle native REL.) For example, the beautiful Barclay Lake roadless area in the Mt. Baker / Snoqualmie National Forest is just over an hour's drive from Seattle, allowing families the opportunity to experience wild forests just outside the city. Protecting unroaded areas in our local national forests will contribute to the economic and cultural vitality of our great city.

While we appreciate the tremendous effort the Forest Service has made in developing the proposed rule and Draft EIS, we are very disappointed about three major deficiencies of the proposal. First, it does not prohibit logging within inventoried roadless areas. Second, it exempts the roadless areas in the Tongass National Forest from the national prohibition on road construction. Third, it provides no immediate protection for the uninventoried roadless areas greater than 1,000 acres. In addition, the policy does not protect roadless areas from mining or dirt bikes and other off-road vehicles.

These weaknesses cause the proposed policy to fall far short of the "strong and lasting" protection for roadless areas that President Clinton called for in October. However, we believe that the information and alternatives contained in the Draft EIS provide a compelling scientific and legal basis for selection of a final policy that adequately protects roadless areas.

We strongly urge you to adopt a final rule and preferred alternative that is consistent with the following recommendations:


- 1) Immediately prohibit road building and logging (for both commodity and non-commodity purposes) in all national forest roadless areas. Of particular concern are popular recreation areas for Puget Sound residents in the Wenatchee (Devils Gulch, particularly popular with Seattle mountain bikers) and Gifford Pinchot (Dark Divide) National Forests that are currently under threat from logging.
- 2) Do not exempt the Tongass National Forest from the national prohibition on road building and logging. As America's largest national forest and the heart of the last great temperate coastal rainforest on earth, protection of the Tongass' roadless areas is a key test of our country's commitment to rainforest conservation.
- 3) Provide interim protection from road building, logging, and other destructive activities for all non-inventoried roadless areas of 1,000 acres or more, pending local forest plan revisions. Nearly half of Washington State's roadless areas are currently non-inventoried. The White Chuck Bench Trail, also in the Mount Baker / Snoqualmie National Forest, about 2 hours from Seattle just south of Darrington is a popular uninventoried roadless area that deserves greater protection. With pristine ancient forest lining the trail along the White Chuck River and some of the only old-growth ponderosa pine trees west of the Cascades, this untouched parcel of roadless forest deserves permanent protection regardless of the Forest Service's failure to properly categorize it as "inventoried".

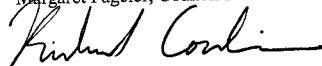
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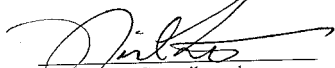
- 4) Permanently protect all roadless areas from all environmentally destructive activities, including mining, off-road recreational vehicle use, and ski-area development.

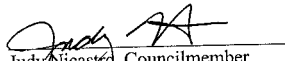
President Clinton's roadless area directive represents an historic opportunity for the Forest Service to create a magnificent legacy of wild forestlands for present and future generations. We urge you to make the necessary changes in the final rule and EIS to realize this vision.

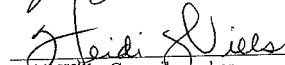
Sincerely,


Margaret Pageler, Council President

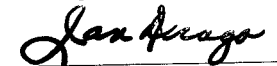

Richard Conlin, Councilmember

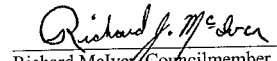

Nick Licata, Councilmember


Judy Nicastro, Councilmember


Heidi Wills, Councilmember


Jim Compton, Councilmember


Jan Drago, Councilmember


Richard McIver, Councilmember


Peter Steinbrueck, Councilmember

cc The Washington State Congressional Delegation



14007

14007

DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
Capitol Complex, Building 3, Room 812
1900 Kanawha Boulevard, East
Charleston, WV 25305-0664
Telephone (304) 558-2771
Fax (304) 558-3147
TDD 1-800-354-6087

Cecil H. Underwood
Governor

John B. Rader
Director

July 10, 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122



PAID RECEIVED
JUL 17 2000

Dear Sirs:

The Wildlife Resources Section of the West Virginia Division of Natural Resources hereby offers recommendations and comments on the Draft Environmental Impact Statement (EIS) and Proposed Rule (36 CFR Part 294, RIN: 0596-AB77) for the Forest Service Roadless Area Conservation Initiative. This agency has previously commented on the Proposed Interim Rule (February 26, 1998) and Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) (December 15, 1999), both dealing with National Forest System Roadless Areas.

The Wildlife Resources Section has a history of outstanding cooperation with the National Forest System in West Virginia. We maintain working relationships with three forests in two regions of the National Forest System. Our relationship, existing through a memorandum of understanding for more than fifty years, has produced substantial benefits to the state's wildlife resources, their associated habitats, and forest visitors on more than one million acres of National Forest lands. This cooperative program has produced a high-use precedent for wildlife-based recreation that includes hunting, fishing, trapping, birdwatching, and watchable wildlife areas and provides access routes for many other popular outdoor related recreational opportunities. Currently, the Wildlife Resource Section spends more than \$2,000,000 annually on National Forest System land in West Virginia for wildlife and fishery management. Encompassing 6.6% of the state land base, the entire National Forest System is viewed as an extremely important area to the people of West Virginia and to the entire nation.

The Wildlife Resources Section would support prohibition Alternative 1 and procedural Alternative A (i.e., the no action alternatives). The agency will not support Alternatives 2, 3, 4, B, C or D. We strongly disagree with the "national broad-sweeping approach" that develops federal prohibitive guidelines. Such prohibitions have the potential to seriously impact forest and wildlife resources in inventoried and uninventoried roadless areas in West Virginia and other National

USDA Forest Service - CAET
July 10, 2000
Page 2

Forests throughout the country. The demand for roadless type recreation is currently being met and projections indicate such demand will be met for the next several decades. Presently, more than one fourth (29%) of the National Forest land in West Virginia is designated wilderness or in inventoried Rare II areas. Of the remaining National Forest System lands, less than 40 percent is available for timber management. We believe it is extremely unfortunate that the Forest Service has proposed federal guidelines that affect all inventoried roadless areas in a like manner without regard to each areas "individuality." The proposed protection of additional uninventoried roadless areas will only further reduce existing habitat management options. We do not believe this is in the best interest of the citizens of West Virginia or the United States.

While the intent of this Proposed Rule and Draft EIS is not to halt active management of roadless areas, we believe it will be the end result. The forests of West Virginia do not exhibit the same attributes and experience the same problems as those found elsewhere. Roadless area decisions should be made during the forest planning process or through wilderness legislation. We continue to strongly support the decision-making ability of responsible professionals at the local forest level as the best and most knowledgeable means to managing National Forest Roadless Areas.

This agency supports development and management of roads and trails to and into inventoried and uninventoried areas. We firmly believe this is the key for active management and to assure public use and enjoyment of our National Forest System. Wildlife objectives cannot be met without an active timber management program and an environmentally sound transportation system.

We strongly believe the Proposed Rule and Draft EIS presents an unbalanced and heavily biased range of alternatives for consideration. This agency recommends a more balanced range of alternatives, including timber management, road construction and reconstruction, temporary roads, and wildlife management options.

It is our opinion that this national initiative is not in the best interest of forest and wildlife resources on National Forest lands or to the citizens of West Virginia. Following are specific comments relative to the Proposed Rule and Draft EIS.

Proposed Rule

Page A-4, Management of Roadless Areas, first paragraph, last sentence: We would like to point out that the reasons given as to why "roadless areas remain roadless" are incomplete and can easily be misinterpreted by the reviewer. Many existing roadless areas have no particular ecological or social value. They are roadless simply because they had minimal road access or no system Forest Service road when inventoried under Rare II in 1979. Others have roads or road vehicular access through them already. Overly protecting relatively small areas will result in degradation of timber

14007

USDA Forest Service - CAET
July 10, 2000
Page 3

stands over time and loss of critical wildlife habitat, thereby adversely affecting forest health and wildlife in general.

Page A-5, Proposed Roadless Area Conservation Rule, second and third paragraphs: Our agency strongly disagrees with the assertion that this "national decision process would reduce the time, expense and controversy associated with making case by case decisions at the local forest level." The very intent of this proposed rule, we feel, violates the National Forest Management Act (NFMA) and the National Environmental Protection Act (NEPA) by overriding the decision ability of local forest officials, other cooperating agencies and the general public, who become involved with forest planning through public scoping. The proposed protection of remaining roadless areas will make forest management more difficult and expensive. These areas will become barriers to surrounding forest lands thereby limiting management opportunities.

Page A-7 and A-8, Authority: We believe the Forest Service has misinterpreted and ignored legislation passed to manage our National Forest. We continue to support the multiple-use creed "Land of Many Uses." By passing this proposed rule, almost 30 percent of the National Forests in West Virginia and 50 percent of the Forests nationwide will be essentially unmanaged. We believe a minority of recreationists are pushing this proposal. This very vocal minority would much rather see the National Forests as National Parks for their use only and the limited few who are physically able to enjoy them.

Page A-9, Proposed 294.12, Prohibition on road construction and reconstruction in inventoried roadless areas, paragraph(a): The Wildlife Resources Section will not support the proposed prohibition of road construction and reconstruction in the unroaded portions of inventoried roadless areas. It is our belief that the proposal will severely limit options and potential opportunities for forest and wildlife management. Proposed 294.12, paragraph(a) states that motorized and non-motorized trails may be constructed and/or maintained pursuant to agency direction (FSM 2350). This agency views this as a double standard where recreation opportunities abound while the opportunity to manage the forest resources, including early successional habitats, is virtually eliminated.

Page A-9, Proposed 294.12, paragraph(b): This agency strongly disagrees with the section relative to forest health. Disease, insect infestation, storm and ice damage, and fire can affect large areas. Without road access, the Forest Service does not have the option and ability to properly manage affected areas and to maintain preferred tree species and forest types.

Page A-10 & 11, Proposed 294.13, paragraphs (a) and (b): Although the Proposed Rule is not intended to alter the present forest planning system, we believe it will have a direct and negative impact on the forest planning process and during forest plan revisions. We are also strongly opposed to the inclusion of uninventoried roadless areas under the restrictions of this proposed rule.

USDA Forest Service - CAET
July 10, 2000
Page 4

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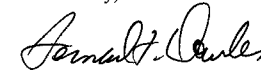
Page A-13, Proposed Roadless Characteristics, No.(3): This agency believes that a diversity of plant and animal communities and overall biodiversity is the sign of a healthy ecosystem. Biodiversity is a dynamic process and comes from varied plant and animal communities which result from an adequate age class distribution of various forest types, including adequate amounts of early successional habitat. Disturbance regimes have been and continue to be an important and integral part of maintaining biodiversity, especially in the eastern deciduous hardwood forest. Without some form of road access, biodiversity will decline as will wildlife species associated with early successional habitats.

Draft EIS

Page 5-4, Purpose, Need and Decision to be made, and Page S-7 Prohibitive Alternatives: The Wildlife Resources Section firmly disagrees with the three listed purposes for the proposed action in the Draft EIS. By not agreeing with the purpose, need and decision to be made, we strongly disagree with the extremely narrow range of prohibition alternatives affecting inventoried and uninventoried roadless areas in West Virginia and the United States. The only two choices offered are build roads or build no more roads. Surely there is some middle ground not yet proposed that would lead to a much better proposal for the American public.

The Wildlife Resources Section, as well as other state fish and wildlife agencies and the Forest Service, is legally mandated to manage and to provide habitat for all fish and resident wildlife. This Proposed Rule and Draft EIS represents a serious threat to the ability of land managers and biologists to make sound management decisions affecting fish and wildlife populations in West Virginia and across the nation. If the No Action Alternatives are not selected by the deciding official, this agency recommends that this Proposed Rule and Draft EIS be remanded back to the Department of Agriculture, U.S. Forest Service so that a more realistic range of alternatives can be developed. Management options for road construction and reconstruction and the options needed to conduct forest and wildlife management in an environmentally sound manner need to be considered. We recommend a decision which will maintain the multiple use concept for National Forests in West Virginia and across the Nation.

Sincerely,



Bernard F. Dowler, Chief
Wildlife Resources Section

cc: West Virginia Congressional Delegation
R. Max Peterson



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION JUN 30 2000

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Cecil H. Underwood
Governor

June 27, 2000

CAET RECEIVED

Samuel H. Beverage, P. E.
Acting Secretary
Commissioner of Highways

Thomas F. Badgett
Assistant Commissioner

ALLEN V. EVANS
HC 33, BOX 3025
DORCAS, WV 26047
PHONE (304) 257-1426



HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE
BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

July 12, 2000

Committees:
Finance
Agriculture & Natural Resources
Industry & Labor
Roads & Transportation
Parks & Recreation

USDA Forest Service – CAET
Post Office Box 221090
Salt Lake City, Utah 84122

Dear Sir/Madam:

Roadless Area Conservation Proposed Rule

On behalf of the West Virginia Division of Highways (WVDOH), we submit our comments regarding your proposed rule on the Roadless Area Conversation. We have reviewed the contents of the Draft Environmental Impact Statement (DEIS). The WVDOH is required by State law to maintain full access to all the existing roadway right of ways owned by the State. In regard to the DEIS Summary, Appendix A, we feel that a section should be added under 294.12 that would consider the possibility of an overwhelming public need for a transportation facility in designated roadless areas; however, we also recognize the significance of the public's transportation needs as well. The DEIS should address a practicability or prudent and feasible type process for considering this type of use of the roadless areas.

Should you have any questions, please contact Mr. Norse Angus of our Environmental Section at (304)558-2885.

Very truly yours,

Ben R Hunt
James E. Sothen, P.E., Director
Engineering Division

JES:Hs

USDA Forest Service-CAET
Post Office Box 221090
Salt Lake City, Utah 84122

ATTENTION: Roadless Area Proposed Rule

Re: Roadless Draft Environmental Impact Statement

To Whom It May Concern:

As President of the Grant County Farm Bureau, I am writing you to express my opposition to the proposed rule that will shut off access to the National Forest to all except a few select groups. The Grant County Farm Bureau is a private, non-profit organization of citizens interested in the economic well-being and the quality of life in our county. Many of our members depend on having access to the National Forest's resources for their livelihood and recreational enjoyment. Because our county is rural and has limited economic development, our county government and school system depends on the financial payments from the uses of the Forests. This rule has the potential to reduce these payments, thus creating a financial problem for our county.

In order to protect private land from insects, diseases and fires that originate in National Forests, it is necessary to have vehicular access to forest lands. This is totally unfair to the adjoining private landowner.

This rule was prepared on the national level with no opportunity for input from our members. This goes against the principal of cooperation on the local level in making policy decisions about the use of public lands. We know what is best for our community and should have the opportunity to have a say in the decisions that affect us.

I urge the Forest Service to adopt a position of no action on any areas designated as inventoried or uninventoried roadless.

Sincerely yours,

Allen V. Evans
Allen V. Evans

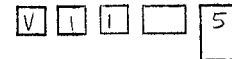
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prefers interim mail, April through December, at home address

CC: JES:MP (10/1/2000)

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CAET RECEIVED
JUN 17 2000

POCAHONTAS COUNTY COMMISSION

13968

Joel S. Callison, President
John R. Simmons, Commissioner

Reta J. Griffith, Commissioner
Patricia D. Dunbrack, Clerk

900-C TENTH AVENUE
MARLINTON, WV 24954
(304) 799-6063 or 4549

USDA Forest Service - CAET
Attn. Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122



To Whom It May Concern:

Thank you for the opportunity to comment on the proposed roadless area rule. The Pocahontas County Commission is opposed to the proposed roadless rule. These areas should remain part of a multi-use plan that could allow roads to be built in the future. Timber is a valuable renewable resource that should not be wasted just because it is located on National Forest.

If these areas are protected, logging will cease and without access roads these areas will eventually burn, wasting our natural resources.

We believe that building roads provides access for National Forest, recreation, timber, hunting, fishing, hiking, biking, and many other activities. Much of Pocahontas County is part of Monongahela Forest and these activities are important to our county.

Sincerely,

Joel S. Callison
Joel S. Callison
President
Pocahontas County Commission

PAET RECEIVED
JUN 17 2000

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Testimony of Congressman Mark Green

Roadless Initiative

June 20, 2000

Crandon, Wisconsin

The purpose of this testimony is to share my continued concerns and frustrations with the administration's proposed roadless policy. I appreciate the opportunity to enter my comments into the public record today.

I want to start by thanking Chequamegon-Nicolet forest officials for holding this meeting, and I hope and trust that what you hear today will be sent to your superiors in Washington. I also want to take this opportunity to say that my frustrations all along have been focused on the White House and senior Interior Department officials rather than at Forest Service representatives from the Chequamegon-Nicolet National Forest. I think we all know these policies have their origin at the highest level. In fact, I recently received a copy of a resolution passed by local 2165 of the National Federation of Federal Employees, which represents all of the employees of the Chequamegon-Nicolet National Forest, outlining their strong concerns with the roadless initiative. That's right, even the people who are charged with managing the forests on a day to day basis recognize the problems with this type of one-size fits all Washington policy.

Northeastern Wisconsin is currently under siege with several overlapping policies that will directly impact our access to the forests. I find it disturbing that we face several simultaneous policies on the future of our forests as this administration comes to a close. My greatest concern with this roadless policy is that it seems to be one part in an overall trend towards locking the public out of our public lands and raising troubling questions for the communities, businesses, and people who live as neighbors to our nation's treasured woodlands.

Earlier this year, I held a series of town hall meetings on our forests and the roadless initiative. Not surprisingly, hundreds of people showed up for these meetings to express their concerns with this proposal and the general attitude of the Clinton Administration towards forest management policies. At the time of these meetings, I expressed my frustration with the lack of specific answers to the critical issues facing our communities, particularly access to the forest and local control over local areas.

When a local timber worker asks if these policies will eventually stand in the way of his paycheck, I think he is entitled to an answer. When an individual asks whether he will be able to ride his snowmobile on his favorite trails, I think he is entitled to an answer. When a community leader asks if she is going to be able to have some control over these policies that could so significantly change her community's way of life, I think she is entitled to an answer.

Unfortunately, the people of northeastern Wisconsin stand here as Washington throws one proposal after another in their direction. When is it going to stop? What are the real goals of this administration?

We all know these actions by the administration will have a serious effect on people who live as neighbors to National Forests. Shop owners rely heavily on tourist traffic brought into their areas by forests. Timber workers rely on the forest to make their living. And some people have simply chosen to live near a forest because of the tremendous outdoor opportunities these forests offer.

All of these things – the very way of life for folks who live near forests – could potentially be put in jeopardy by the Clinton administration's actions.

Now, as we stand here tonight considering the future of our forests, I think it is important to look at the circumstances surrounding the federal government's purchase of the land that has become the Chequamegon-Nicolet National Forest.

Earlier this century, the people of northeastern Wisconsin were faced with an important decision. The federal government was interested in purchasing state and local forest lands. For years, these forest lands in northeastern Wisconsin had been managed for multiple uses, especially timber harvesting for a growing forest products industry.

Citing specifically the Clark-McNeay Act of 1924, which authorized the purchase of National Forests when such lands would promote a future timber supply, the Wisconsin Legislature enacted legislation empowering the federal government to acquire land for the establishment of a National Forest.

It is precisely along these lines that the local communities agreed to sell land to the federal government. The purpose of the federal government in buying these lands was to restore them to a condition of maximum forest productivity by intensive management, planting, fire protection and to make them sources of permanent timber supply and bases for permanent wood-using industries and communities.

And now, the administration appears to have overlooked the contract the federal government made with the people of northeastern Wisconsin years ago. Locking away the forests from logging companies and taxpayers who might want to use these lands for hunting, fishing, snowmobiling, or just spending time with our families is not how these forests were designed to be administered.

Finally, I want to conclude my comments by saying that no one at this meeting wants to see the forests destroyed but rather soundly managed to prosper – providing us with recreational opportunities and economic stability. I want everyone here to listen carefully to those who live, work and depend on the forest. They are the ones who know it the best and will tell you that for our forests to thrive, they must be managed at the local level, with local input and local decision-making. This cannot happen with one-size fits all Washington policies.

JUL 17 '00 01:17PM GOVERNORS OFFICE

P.2/4 17292



TOMMY G. THOMPSON

Governor
State of Wisconsin

July 17, 2000


USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Roadless Docket Clerk:

I write to support the "no action" alternative for the U.S. Forest Service's proposed rule regarding roadless areas in National Forests. For the past century Wisconsin has had a strong record of balancing the needs of recreation, conservation and industry in its National Forests. I therefore believe it is neither necessary nor wise to change policies regarding roadless areas.

Attached, please find a copy of the comments on this rule from the Wisconsin Governor's Council on Forestry. I agree with and endorse the comments of the Council.

Sincerely,


TOMMY G. THOMPSON
Governor

TGT/jts

P.O. Box 7863, Madison, Wisconsin 53707 • (608) 266-1212 • FAX (608) 267-8983 • e-mail: wisgov@mail.state.wi.us



Dan Meyer
Chairman
Wisconsin Rapids

William "Butch" Johnson
Vice Chairman
Hayward

John Ahl
Black River Falls

Miles Benson
Wisconsin Rapids

Sen. Roger M. Breske
Eland

Leon Church
Appleton

Richard Connor
Long Lake

Gene Francisco
Madison

Rep. John Gard
Peshtigo

Robert Govett
Stevens Point

Steve Guthrie
Minocqua

Byron Hawkins
Bangor

Richard Hall
Oshkosh

James Holperin
Eagle River

Rachel Jordan
Dodgeville

Tim Laatsch
Wisconsin Rapids

Nick Moncel
Eau Claire

Cathy Nordine
Land O'Lakes

Thomas Schmidt
Neenah

Eugene Schmit
Tomahawk

Rep. Lorraine Seratti
Spread Eagle

Robert Skiera
Milwaukee

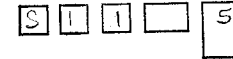
July 14, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

13980

GOVERNOR'S COUNCIL ON FORESTRY
STATE OF WISCONSIN

Reply to: 241 Shore Acres Drive
Wisconsin Rapids WI 54494
715/423-7550
Fax: 715/423-7550



Subject: Comments on Roadless Area Conservation Proposed Rule

Dear Roadless Docket Clerk:

The Governor' Council on Forestry is greatly concerned about the potential impacts of the National Forest System Roadless Area Conservation Proposed Rule published on May 11, 2000. The Council does not support the proposed alternative and believes the no action alternative is in the best interest of the national forests of Wisconsin and the local communities that depend on them. The Council supports the concept of minimizing road construction and restricting year round vehicular traffic to protect the "wild" and "remote" attributes of the forest. However, we believe implementation of a national roadless policy is not the best method to reflect local resource values and public interests. A national policy adopts a "one size fits all" approach to future decisions involving roadless areas. This policy fails to allow for the consideration of the individual impacts, qualities and characteristics of proposed roadless areas.

The Council strongly believes implementing this proposal will shift a higher burden for providing forest products and certain forms of access dependent recreation on to other lands in the state, region, country or world. The public needs to understand this impact and be able to assess the trade-offs associated with closing additional public lands to management. Making this decision without consideration of, and public dialogue on, the ripple effects merely increases society's tendency to divorce their resource consumption from resource production.

The draft Environmental Impact Statement (EIS) has a critical flaw in the way it utilizes numerous studies involving the impact of roads on the various resources. In most cases the roads identified in the studies as having significant impacts are unrestricted access permanent year round graveled or paved roads. Most of the roads currently found in Inventoried Roadless Areas (IRA) are temporary and/or closed to public access. The impact of temporary or roads closed to public travel is significantly different than those used to describe and justify the conclusions reached in this document.

The Council supports maintaining large areas of forests with very limited vehicular access. The issue is not road density, but the type and size of roads and their frequency of use. In Wisconsin, 30 foot wide access roads used exclusively for logging on a 15 to 40 year cycle have no adverse impact on wildlife. In fact these areas provide a number of benefits to several wildlife species found in Wisconsin such as the gray wolf, black bear, American marten, spruce grouse, goshawk, red-shouldered hawk, common loon, wood turtle and the fox snake. These benefits would be lost without forest improvement and restoration practices. The Council believes reducing the number and density of roads open to public vehicular travel is a positive goal and should be pursued on a forest by forest basis during the planning process.

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JUL 17 2000

13980

USDA Forest Service - CAET

Page 2

This proposal effectively limits active management including the harvest of timber on forty-four million acres of IRA, or an additional twenty-three percent of the entire Forest Service ownership of 192 million acres. If you add to this the existing designated wilderness, national monuments and wild and scenic rivers (twenty-two percent), the total area which will be unavailable for future harvests or future management activities is forty-five percent of the land base. This percentage does not include the additional acreage of unroaded areas, which must be examined for inclusion under this proposed rule during the next round of forest plans. That acreage or the criteria used to determine it has yet to be developed and thereby makes it impossible to predict the true impact of this proposal.

The National Forest System controls over nineteen percent of the commercial forestland in the nation. These lands contain forty-six percent of the total softwood timber in the United States. This softwood timber acreage contains over fifty-one percent of the existing sawlogs size material. The draft EIS states that twenty-five percent of the trees in the IRA's will be dead within fifteen years due to fire, insect, disease or wind, as compared to only five percent on the managed portion of the forests. This type of impact needs to be studied in relation to the ever-increasing demand for softwood lumber and pulpwood in this county. To simply state that the reduction in harvests from this action will be made up from other lands in this country or Canada is an over-simplification of a complex global demand and supply problem.

The United States is a net importer of forest products. In order to meet our demand, the U.S. is importing forest products from other countries where the harvest levels or methods may not be sustainable and many harvests are conducted without the benefit of professional resource managers. The latest forest inventory information indicates that the softwood harvests in southern U.S. forests, which are primarily in private ownership, exceed the rate of softwood growth. Adopting this policy just increases the pressures to harvest on private forestlands, not only in the south but nationwide. The Forest Service should not continue to transfer society's needs for forest products to other lands. A recent private forest landowner survey conducted in Wisconsin shows that only eighteen percent of the harvests from private non-industrial forest lands are conducted under the advice of a professional forester, be the forester from the public, industrial or private sector. The results of this survey are consistent with similar surveys in other states. Is it better to promote increased harvesting from public lands where they utilize state of the art knowledge to harvest in a sustainable manner, or from lands that have few professional resources available to them?

The Council strongly urges the Forest Service to reject the preferred alternative and allow each forest to identify and propose areas that should have limited public access through the individual forests planning process. We appreciate the opportunity to comment and look forward to continuing to work with the Forest Service in the future.

Sincerely,

Dan Meyer
Chairman, Wisconsin Governor's Council on Forestry

Cc: Governor Tommy G. Thompson
DNR Secretary George Meyer
Wisconsin Congressional Delegation
Governor's Council on Forestry and Interested Parties



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-267-2621
FAX 608-267-3579
TDD 608-267-5897

5 1 2 5

19298

July 17, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Subject: Comments on Roadless Area Conservation Proposed Rule

Dear Roadless Docket Clerk:

The Wisconsin Department of Natural Resources does not support the proposed alternative in the National Forest System Roadless Area Conservation Proposed Rule published on May 11, 2000. The Department believes the no action alternative is in the best interest of the national forests of Wisconsin and the nation.

The Department does support the use of roadless areas within Wisconsin's National Forests. However, we believe a "one size fits all" national policy is not the best method to make decisions regarding the location and extent of roadless areas on individual national forests. This policy fails to allow for the consideration of the individual qualities and characteristics of proposed roadless areas, the unique ecological, economic and social attributes and conditions of each national forest, and the public dialogue needed to facilitate identifying and designating appropriate roadless areas.

The draft Environmental Impact Statement (EIS) has a critical flaw in the way it utilizes numerous studies involving the impact of roads on the various resources. In most cases the roads identified in the studies as having significant impacts are unrestricted access permanent year round graveled or paved roads. Most of the roads currently found in Inventoried Roadless Areas (IRA) are temporary and/or closed to public access. The impact of temporary or roads closed to public travel is significantly different than those used to describe and justify the conclusions reached in this document.

Roadless areas provide an array of ecological values. These areas provide numerous benefits to several wildlife species found in Wisconsin such as the gray wolf, black bear, American marten, spruce grouse, goshawk, red-shouldered hawk, common loon, wood turtle and the fox snake. Furthermore, areas that restrict or prohibit vehicular traffic also have values associated with promoting certain types of non-motorized recreation. The Department believes that the values associated with reducing the number and density of roads open to public vehicular travel should be carefully assessed and provided for on Wisconsin's national forests during the existing forest planning processes. It is at this level, assessed within the landscape context, that the location, extent and number of roadless areas, and the type of management that would be pursued within them, would be determined.

The acreage within Wisconsin that initially would be impacted by this proposal is small. Although its direct impact on Wisconsin is limited, when evaluated nationally, this proposal effectively limits active management including the harvest of timber on 44 million acres of IRA, or an additional twenty-three

Quality Natural Resources Management
Through Excellent Customer Service



FROM : BUREAU OF FORESTRY TO : VIA XPEDITE 1900,07-17 08:59 #028 P.03/04 19298

percent of the entire Forest Service ownership of 192 million acres. If you add to this the existing designated wilderness, national monuments and wild and scenic rivers (twenty-two percent), the total area which will be unavailable for future harvests or future management activities is forty-five percent of the land base. This percentage does not include the additional acreage of unroaded areas, which must be examined for inclusion under this proposed rule during the next round of forest plans. That acreage or the criteria used to determine it has yet to be developed and thereby makes it impossible to predict the true impact of this proposal.

The Department strongly believes that the USDA Forest Service must carefully evaluate the effects of implementing this proposal and shifting a higher burden for providing forest products and certain forms of access dependent recreation onto other lands in the state, region, country and world. The public needs to understand this impact and be able to assess the trade-offs associated with closing additional public lands to management. Making this decision without consideration of, and public dialogue on, the ripple effects merely increases society's tendency to divorce their resource consumption from resource production.

The National Forest System controls over nineteen percent of the commercial forest land in the nation. These lands contain forty-six percent of the total softwood timber in the United States. This softwood timber acreage contains over fifty-one percent of the existing sawlogs size material. The draft EIS states that twenty-five percent of the trees in the IRA's will be dead within fifteen years due to fire, insect, disease or wind, as compared to only five percent on the managed portion of the forests. This type of impact needs to be studied in relation to the ever-increasing demand for softwood lumber and pulpwood in this country. To simply state that the reduction in harvests from this action will be made up from other lands in this country or Canada is an over-simplification of a complex global demand and supply problem and fails to consider the ecological and economic effects of alternative scenarios.

The United States is a net importer of forest products. In order to meet our demand, the U.S. is importing forest products from other countries where the harvest levels or methods may not be sustainable and many harvests are conducted without the benefit of professional resource managers. The latest forest inventory information indicates that the softwood harvests in southern U.S. forests, which are primarily in private ownership, exceeds the rate of softwood growth. Adopting this policy just increases the pressures to harvest on private forest lands, not only in the south but nationwide and internationally. The Forest Service should not continue to transfer society's needs for forest products to other lands without carefully assessing the ecological, economic and social ramifications.

A recent private forest landowner survey conducted in Wisconsin shows that only eighteen percent of the harvests from private non-industrial forest lands are conducted under the advice of a professional forester, be the forester public or private. The results of this survey are consistent with similar surveys in other states. The USDA Forest Service should be carefully assessing whether it is better to promote increased harvesting from public lands where they utilize state of the art knowledge to harvest in a sustainable manner, or from lands that have few professional resources available to them or landowners that choose not to use the expertise that is available. The EIS is remiss in not having addressed this critical question which is tied to the decision regarding this roadless area policy.

The Department recommends that the preferred alternative be rejected and that each national forest be charged with identifying and proposing areas that can maximize the ecological, social and economic values associated with roadless areas. Furthermore, we urge the USDA Forest Service to play a leadership role in carefully assessing the role of national forests in producing forest products in light of national and global timber supply and demand issues.

We appreciate the opportunity to comment and look forward to continuing to work with the Forest Service in the future.

FROM : BUREAU OF FORESTRY TO : VIA XPEDITE 1900,07-17 09:00 #028 P.04/04 19298

Sincerely,

George E. Meyer

George E. Meyer, Secretary
Wisconsin Department of Natural Resources

CC: Governor Tommy G. Thompson
Wisconsin Congressional Delegation
Gene Francisco - State Forester



"La Follette, Doug"
<doug.lafollette@sos.
state.wi.us>

To: "roadlessdeis@fs.fed.us" <roadlessdeis@fs.fed.us>

05/18/00 11:14 AM

cc:
Subject: Plan

V 1 3 1 5

2987

V 3 1 5

Michael Dombeck, Chief
U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

CAET RECEIVED
JUN 26 2000

10676

Dear Forest Service Folks,

In general I and many of the people I represent, who have contacted me, are pleased with your recommendations to end road building and to protect the wild areas of our National Forests.

However we feel that your plan should be strengthened to include protection of ALL roadless areas over 1,000 acres - including Alaska's Tongass National Forest -- from logging and all damaging activities.

I look forward to hearing from you on this matter.

Sincerely,

Doug La Follette

Doug La Follette
Wisconsin Secretary of State
Box 7848, Madison, WI 53707
608-266-8888 Fax 608-266-3159

"Technology is of no use to us if it is used without respect for the Earth and its processes."

-Aldo Leopold

Dear Mr. Dombeck,

We are writing to urge you to adopt a policy to protect roadless areas in our national forests. As public officials of Wisconsin, we well understand the critical importance of intact and undamaged pristine wild areas. The citizens we represent place a high premium on these wild areas as places of recreation and spiritual renewal.

Wisconsin is fortunate to have some of this nation's most impressive national forests. The Chequamegon and Nicolet National Forests in Wisconsin's Northwoods are important recreational spaces and critical habitats for a variety of wildlife.

Roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents.

We urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served in you succeed in establishing such a strong forest protection policy.

Sincerely,

Shirley Krug, Assembly Democratic Leader
John La Fave, Assembly Member, 23rd District
Terese Berceau, Assembly Member, 76th District

CC: Senator Russ Feingold
Senator Herbert Kohl

REC'D FOREST SERVICE
JUN 21 2000
CHIEF'S OFFICE

CAET RECEIVED
MAY 18 2000

Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials

Michael Dombeck, Chief
 U.S. Forest Service
 P.O. Box 96090
 Washington, DC 20090

5 4 1 5

CAET RECEIVED
 JUN 26 2000

10677
 JUN 22 2000

Dear Mr. Dombeck,

We are writing to urge you to adopt a policy to protect roadless areas in our national forests. As public officials of Wisconsin, we well understand the critical importance of intact and undamaged pristine wild areas. The citizens we represent place a high premium on these wild areas as places of recreation and spiritual renewal.

Wisconsin is fortunate to have some of this nation's most impressive national forests. The Chequamegon and Nicolet National Forests in Wisconsin's Northwoods are important recreational spaces and critical habitats for a variety of wildlife.

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We urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served in you succeed in establishing such a strong forest protection policy.

Sincerely, *John Opall*

Name Position Address Phone # Email

Name	Position	Address	Phone #	Email
<i>John Opall</i>	<i>State Rep.</i>	<i>1025 Spruce St.</i>	<i>256-6214</i>	
<i>John Dombeck</i>	<i>Leg. As.</i>	<i>111 W. Ken St #410</i>	<i>266-8570</i>	
<i>Tom Obrien</i>	<i>Leg. As.</i>	<i>325 Riverside Dr.</i>	<i>266-8570</i>	
<i>Robert G. Anderson</i>	<i>Leg. Ass.</i>	<i>929 S. Johnson St #2</i>	<i>256-5375</i>	

CC: Senator Russ Feingold
 Senator Herbert Kohl

REC'D FOREST SERVICE
 JUN 21 2000
 CHIEF'S OFFICE

13547

**Roadless Area Conservation Proposed Rule & Draft
 Environmental Impact Statement
 COMMENT FORM
 All Comments Must Be Received BY JULY 17, 2000**

The Wisconsin Conservation Congress opposes the roadless rule. The Wisconsin Conservation Congress is a citizen advisory group elected to advise the Wisconsin Natural Resources Board. See attached Resolution

The Congress represents all 72 counties for sportsman in this state.

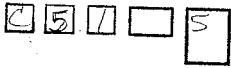
The Roadless Initiative will devastate the economy of Northern Wisconsin

(Attach Additional Sheets If Necessary)

NAME: *Allen Opall*
 ORGANIZATION: *Wisconsin Conservation Congress*
 ADDRESS: *3208 Thunderbird Lane*
 CITY/STATE/ZIP: *Wausau, WI 54401*

There are three ways to submit comments:

<p>Mail Comments To: USDA - Forest Service Attn: Roadless Area Proposed Rule PO Box 221090 Salt Lake City, UT 84122</p>	<p>Fax Comments To: 877-703-2494</p>	<p>E-Mail Comments at the roadless website: roadless.fs.fed.us OR e-mail directly to: roadlessdeis@fs.fed.us</p>
--	--	--



RESOLUTION NO. 19, 2000

3495

THIS DOCUMENT IS A FULL, TRUE AND CORRECT COPY
OF THE ORIGINAL AS FILED AND RECORDED IN MY
OFFICE. IT HAS BEEN COMPARED BY ME
DATE: 4-19 2000
[Signature]
County Clerk

Introduced by: Land Conservation Committee

Intent & Synopsis: Supporting sound, scientifically based management of The National Forests, such as President Clinton's Roadless Initiative. National Forests were originally established NOT as sources of timber, but as "forest reserves" to protect watersheds and to preserve biological diversity. The Roadless Initiative will ensure that future generations will inherit the irreplaceable, remaining remnants of wild and undeveloped roadless areas that once covered the United States.

Fiscal Note: None

WHEREAS, Gifford Pinchot, founder of the National Forest Service, established the multiple-use concept, which has at its heart the recognition that public forestlands have more than one political constituency and are NOT to be exploited solely for commercial benefit.

WHEREAS, the operation of an entire National Forest as a high-yield tree farm is an egregious abuse of Pinchot's concept;

WHEREAS, President Clinton, The National Forest Service, and the conservation biology community of Wisconsin support ecosystem based forest management policies, which assure that public forestlands will serve to:

- protect watersheds for downstream users
- preserve our native flora and fauna for present and future generations to enjoy
- provide unparalleled opportunities for birdwatchers, campers, hikers, anglers, and others to experience unspoiled nature

WHEREAS, the scientific community in Wisconsin and throughout the United States has provided The National Forest Service with overwhelming evidence that fragmentation of forest ecosystems by roads and trails leads to widespread forest ecosystem degradation; that this degradation results in species extinction, soil erosion, flooding, destabilizing climate change, the loss of ecological processes, declining water quality, and diminishing commercial and sport fisheries;

WHEREAS, The National Forest Service only receives about 20% of the funding needed to fully maintain existing roads and has a backlog of road reconstruction and maintenance work estimated at \$8.4 billion;

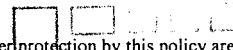
WHEREAS, technology and automation have taken away more timber industry jobs than any other cause including restrictions on use of public lands; and

WHEREAS, House Resolution 1396, currently before congress, will provide \$25,000 for each public-lands timber worker for job retraining and/or ecological restoration work; and

WHEREAS, at most only 0.46% of the 16 million forested acres in the State of Wisconsin (4.9% of total National Forest acreage in Wisconsin) will be set aside as roadless, this policy will not have an adverse effect on the economy of the entire state as proposed by the National Forest Resource Committee;

WHEREAS, in less than a decade, between 1992 and 1997, the rate of loss of undeveloped land in the United States doubled when nearly 16 million acres of forest, farms, and open space were converted to urban or other uses;

3495



WHEREAS, the acreage of the National Forest Service that will come under protection by this policy are among the last remaining wild and undeveloped roadless areas in the United States;

NOW, THEREFORE, BE IT RESOLVED: That the Adams County Board of Supervisors does hereby: support programs, such as the Roadless Initiative, which protect the last core remnants of intact forest ecosystems in the United States; advocate proceeding humbly and cautiously in managing our natural resource endowment; and agree with Forest Service Chief Mike Dombeck that "what distinguishes a truly wealthy nation from one that merely generates wealth is the foresight and wisdom to leave behind a richer legacy than we inherited."

BE IT FURTHER RESOLVED: That the County Clerk sends a copy of this resolution to the State Representatives and State Senators representing Adams County, the DNR Secretary, the Governor, and the Wisconsin Counties Association.

Dated this 3rd day of April, 2000

[Signatures: Harry Schenk, Gifford Pinchot, David Cook, Betty Stahlke, Judy Kaczmarek]

Adopted Defeated by the Adams County Board of Supervisors this 18 Day of April, 2000

[Signature: Ben Ward]
County Clerk

[Signature: George Fullenkamp]
County Board Chair

CAET RECEIVED
JUN 09 2000

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[] [] [] [] [5]

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ROADLESS HEARING June 19, 2000

My name is David Majewski, I'm the County Forest Admin in Florence County. I am opposed to the Roadless initiative for a number of reasons..

1. This is just another attempt, and another step for these lands to become wilderness.
2. The National forests in Wisconsin were purchased to provide a timber resource and help the local economy. The Federal agents made that clear when the Federal government purchased this land from the Counties and they better stick to their word.
3. There are 29 Counties in Wisconsin that have County Forests and I think if anyone of these Counties proposed this type of plan, the Administrators and Forestry Committee's would be looking for another job. Roadless areas are not wanted in Northern Wisconsin by the Northern Wisconsin residents.
4. The roadless initiative will reduce the number of recreation opportunities on this land.
5. The forests and landscape in the Lake States are different than in other parts of the U S and should be managed differently than the other areas in the U S.
6. As a forester and manager of Northern Wisconsin Forests, I believe that this is very bad management. It will create unhealthy forests that will be ripe for insects, diseases and forest fires . This is happening in Western United States now.
7. If the Federal Government does not want to manage this land as professional forest land managers, they should give it back to the Counties.

CAET RECEIVED
JUL 10 2000

LINCOLN COUNTY FORESTRY, LAND & PARKS DEPARTMENT
LINCOLN COUNTY COURTHOUSE ANNEX
1106 EAST EIGHTH STREET
MERRILL, WI 54452

Phone (715) 536-0327

Fax (715) 536-0369

June 27, 2000

USDA - Forest Service
Attention: Roadless
P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 05 2000

RE: Roadless Initiative

I am writing this statement in OPPOSITION to the proposed roadless initiative. It is my opinion the Federal Government and the U.S. Forest Service has almost lost all semblance of common sense regarding our National Forests. This proposed initiative is just another example of the executive branch of our government and leader in the U.S.F.S. losing sight of rural America and the global effects that are being caused by this type of management approach to our National Forests. Another example of the U.S.F.S. not making clear and common sense decisions is a research project headed by Merrill Kaufman, U.S.F.S. researcher, doing work in Colorado to control wild fire and disease in our forests. If the Roadless Initiative is enacted, all the lands could, by the proposal, be off limits to this type of management because roads are necessary to access these areas. There are many strategies the Forest Service can enact to allow forest management and recreational use, and at the same time protect the environment both locally and globally. We do not need roadless areas to maintain forest health.

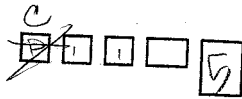
Thank you for considering my comments.

Yours very truly,

William Wengeler

William Wengeler
Lincoln County Forestry, Land & Parks Administrator

WW:sz



13547

ROADLESS RULE RESOLUTION

Whereas, The Roadless Rule proposed by the Clinton administration and the U.S. Forest Service to set aside 74,000 acres of Nicolet and Chequamegon National Forest will negatively affect the economies of many Wisconsin Counties, and,

Whereas, the National Forests were originally set aside for timber production, and,

Whereas, this rule will negatively impact timber harvest which will greatly affect the forest product economies of many northern counties, and,

Whereas, this Roadless Rule will negatively impact recreational activities such as hunting, fishing, snowmobiling, and, ATV use and thus further impacting the economies of many Wisconsin Counties, and

Whereas this rule will further restrict access in what are already very remote areas,

Therefore be it resolved, the Wisconsin Conservation Congress Executive Council on the 21st day of January, 2000, does go on record as vehemently opposing such a Roadless rule for our National Forests in Wisconsin, and be it further

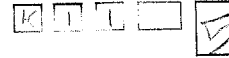
Resolved, all Senators and Congressional members of Wisconsin be notified of our displeasure with the Roadless Rule and asked to join our fight against such a rule.

CAET RECEIVED

JUL 1 0 2000

Allen Opall

Marathon County
Conservation Congress
Wisconsin state Park and
Forestry Chairman



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CAET RECEIVED

JUL 1 0 2000

My name is Bill Korner, Jr. My address is PO Box 212, Minocqua, Wisconsin. I am the Oneida County Board Chairperson.

Almost 75 years ago, back in June of 1925, the Wisconsin Legislature enacted legislation empowering the United States to acquire land to establish a national forest. As most people know, the Wisconsin legislature allowed the land purchase by the United States with the provision that "areas so selected shall be ... approved by the ... county board of each county in which any such area is located."ⁱ

As a result of that enabling legislation, a Mr. Hoar and a Mr. Tinker of the National Forest Reserve Commission addressed the Oneida County Board on November 15, 1927, on Forestry and National Parks. After the Rules of Order were suspended, Resolution #1 was offered by Supervisor Crosby stating "That the Oneida County Board does hereby approve the proposed area and the purchase thereof by the United States Government in accordance with the attached description and under the conditions defined therein and entitled "Approval of Area within which Purchases may be made by the United States for National Forest Purposes."ⁱⁱ There was a motion and a second to adopt Resolution #1 as read. All members voted "Aye".

The area described and the conditions are listed as follows: "Approval of Area within purchases may be made by the "United States" for National Forest Purposes. The tract consists of the East half of Township 38 North, Range 11 East and the East half of Township 39 North, Range 11 East of the 4th P.M. in Oneida County or any part thereof selected by the Forest Service, United States Department of Agriculture, for purchase by the United States of America under the act of Congress approved June 7, 1924, for the establishment of a National Forest, is hereby approved subject to the conditions and as provided in the act of the State of Wisconsin approved July 3, 1925 and entitled An Act."ⁱⁱⁱ

The key phrase is the section that references the authority of the United States to purchase lands for National Forests under the powers of the Act of June 7, 1924. The Clark-McNary Act expanded the purpose for which National Forest land purchases could be justified. While the original National Forest enabling Weeks Act limited purchases to lands "for the purpose of preserving the navigability of navigable streams,"; the Clark-McNary Act added the purpose "... and to furnish a continuous supply of timber for the use and necessities of citizens of the United States ..."^{iv} to the National Forest Mission Statement. This continuous supply of timber provision is the main point of interest to Oneida County residents in 1927 and in 2000 and beyond.

The proposed Roadless Initiative has the potential to severely limit the continuous supply of timber. The 1927 Oneida County Board of Supervisors knew that their action would not return any short term dividends but rather that this would be a long term investment in otherwise barren logged off lands. Finally after having invested almost 75 years of managed forestry, the Wisconsin National Forest lands are ready to pay back the investment in the form of mature growth timber that make logging profitable. The proposed roadless initiative guidelines and, God forbid, future roadless initiatives that

13539

mirror or expand the current criteria are of great concern to Oneida County. Because the National Forest lands in Oneida County are limited, the loss stumpage receipts paid to local units of government will be minimal. However, in some of our neighboring counties the decrease of stumpage fees to local governments because of areas off limits to roads and logging will be devastating.

Numerous areas in the National Forest exist today that are roadless because of natural terrain features. So why is there a need to expand roadless areas? This is not a grass roots movement by local residents; this is not part of a Nicolet National Forest Management plan; this is not part of a Chequamegon National Forest Management Plan; it wasn't even part of the Regional National Forest Management Plan. The ill-conceived ideology is an attempt by the White House to leave behind a legacy that is poorly thought out. The recent Bandelier National Monument controlled brush burning fiasco all too well casts doubt on the Federal Government's decision-making ability.

National Forests are the "working" Federal lands. They are meant to be used for more than the postcard scenes and vacation destinations that their sister National Parks are used for. Besides the usual customary timber harvest, the Wisconsin National Forests offer almost unlimited recreational opportunities to all citizens. These activities range from the solitary hiker to groups of motorized sport enthusiasts; from the gathering of berries to the harvest of game and fish; they also cover all seasons of the year. As with timber harvesting, these recreational activities use National Forest roads either for access to the National Forest lands or as a path or trail through the forest to the interior acreage for whatever purpose. These activities will surely diminish over time if the Roadless Initiative is forced upon us, especially with the graying of America.

The Roadless Initiative has potential impact on certain species that inhabit the National Forest. This select group needs the open areas that occur after logging operations have vacated an area. But with an expanded roadless boundary, a negative impact is all but certain. Roadless designation also adds the potential of severely limited, if any, access in the wake of natural disasters such as wind storms or lightning induced forest fires.

In conclusion, I hope that the proposed "Roadless Initiative" stays just as it is today - somebody's pipe dream. This is **not** something that the local residents asked for; this is **not** what the 1927 Oneida County Board envisioned when they approved the National Forest Service purchasing lands in the County; this will **not** ensure a continuous supply of timber for the use and necessity of the citizens of the United States; this will **not** make for a better local economy; and most importantly, this is just **not** a good idea.

Thank you for the opportunity to express my feelings.

William Korrer, Jr.
William Korrer, Jr.
Oneida County Board Chair

PO Box 212
Minocqua, WI 54548

13539

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- ⁱ Chapter 1.055 Wisconsin Statutes and Annotations 1997-98
ⁱⁱ Oneida County Board of Supervisors Official Minutes
ⁱⁱⁱ Oneida County Board of Supervisors Official Minutes
^{iv} US Code, Title 16, Section 475 (As of 01/05/99)

Roadless Area Conservation Proposed Rule Public Comment Forum
Speaker Registration Form

18646

18646

SPEAKER NUMBER:

C 1 1 5

4

Please Print:

Name	BRAD RUESCH
Organization/Affiliation	TAYLOR CO. FORESTRY & REC. DEPT.
Address	224 S. 2ND ST.
City/State/Zip	MEDFORD, WI 54451
E-mail Address	

Crandon Meeting - June 20, 2000

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JUL 10 2000



Park Falls Meeting - June 21, 2000

only temporary winter use roads while others may need improved main haul roads. Local units of government may be interested in taking over the maintenance of some roads. Many options exist short of denying access and obliterating roads. As needed, additional roads can be built as part of timber management. These roads would be built in pre-approved locations and to a high standard as set forth in the State's "Best Management Practices."

Most Americans do not take issue with preserving ecologically significant or unique areas. However, the wholesale locking up of land and resources for the sake of "wilderness" is an unsettling and unacceptable circumvention of every American's "right" to access and enjoy our national forest experience. I emphasize this is a right for everyone, not a privilege for a select group of elite naturalists. All of our public lands should be accessible whether you are young or old, strong or weak.

RESOLUTION NO. 2000- 37

13544

RE: Oppose USFS Roadless Initiative

WHEREAS, the Vilas County Board of Supervisors supports forest management policies which assure the National Forests in Wisconsin and throughout the United States are managed under the concept of multiple use to provide the sustained production of timber, watershed protection, fire protection, recreation, and wildlife habitat as stated in the Organic Act of 1897, the Weeks Act of 1911, the Clark-McNary Act of 1924, the Multiple-Use Sustained Yield Act, and the National Forests Management Act; and

WHEREAS, the Enabling Act for the State of Wisconsin and 17 Vilas County Board Resolutions between the years 1927 and 1935 allowed the establishment of the National Forest in Vilas County, setting its boundaries and providing for the acquisition of lands to restore productivity to the landscape devastated by indiscriminate logging and fire; and

WHEREAS, the proposed Roadless Area Initiative would restrict timber management, motorized recreation, and access to 69,000 acres of National Forest in Wisconsin and 51.5 million acres of National Forest across the United States; and

WHEREAS, the timber industry and the tourism/recreation industry are vital to the economy of Vilas County and other similar counties across the United States; and

WHEREAS, the restrictions of the Roadless Area Initiative, the Forest Service Land & Resource Management Plan Revision, and other restrictions already in effect would adversely affect the economy of Vilas County and other similar counties.

NOW, THEREFORE, BE IT RESOLVED that the Vilas County Board of Supervisors in session this 20th day of June 2000 does hereby:

1. Oppose the Roadless Area Initiative and other such proposals that place unnecessary restrictions on the use and access of the National Forests; and,

2. Support and endorse the efforts of our forefathers to manage and develop the resources of our National Forests to supply, on a sustained bases, timber products, fire and watershed protection, recreation, grazing range, wildlife habitat, and the wise use of our mineral and oil reserves, for the benefit of all citizens.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Michael Dombeck, Chief of the United States Forest Service; USDA Forest Service - CAET; the Governor of the State of Wisconsin; Representative Mark Green, Senator Herb Kohl, Senator Russ Feingold, the Wisconsin County Forests Association; and the Wisconsin Counties Association.

Respectfully submitted by:

VILAS COUNTY FORESTRY, RECREATION, & LAND COMMITTEE

William Egtvedt

CAET RECEIVED
JUL 10 2000

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Respectfully submitted by:

VILAS COUNTY FORESTRY, RECREATION, & LAND COMMITTEE

William Egtvedt
William Egtvedt, Chairman

Charles Wranosky
Charles Wranosky, Vice Chairman

Charles Marquardt
Charles Marquardt

Jack Harrison
Jack Harrison

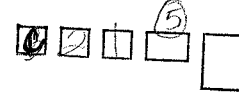
Steve Doyen
Steve Doyen

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JUL 10 2000

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Wisconsin Counties Association



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3. Clear historical evidence that active management has made forestry a huge success story in the Lake States; and
4. Belief that land allocation decisions should be made within the existing planning process, which the commission has been actively involved in, not by the Chief of the Forest Service's or President's order; and
5. Inadequate public notice (two days) concerning public hearings held by the Forest Service concerning this proposal.
6. Changing criteria and definitions in the initiative on what constitutes a road.

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to the following:

1. The Supervisor of the Chequamegon and Nicolet National Forest
2. The Regional Forester for Region 9
3. The Chief of the Forest Service
4. The entire Congressional Delegation including Congressmen and Senators for the State of Wisconsin
5. The Secretary of Agriculture
6. The President of the United States


 Hubert Smith, Chairman
 Northwest Regional Planning Commission

Date: April 26, 2000

MEMORANDUM

TO: The National Forest Service

FROM: Mark M. Rogacki, Executive Director *mark*

DATE: June 20, 2000

SUBJECT: Notice of Roadless Area Conservation Rulemaking

CAFT RECEIVED
 JUL 10 2000

The Wisconsin Counties Association (WCA) would like to thank you for the opportunity to voice our concerns regarding the Roadless Area Conservation Rule proposal. On December 17, 1999 the Board of Directors of the Wisconsin Counties Association took a position to vehemently oppose the latest Roadless Initiative by President Clinton and the National Forest Service.

WCA's membership has legal, procedural, philosophical and economic objections over the proposed rule.

LEGAL

As outlined in a preliminary staff report of the Subcommittee on Forests and Forest Health of the House of Representatives Committee on Resources, it is apparent that the National Forest Service and the Clinton Administration violated the due process rights of affected parties, as well as applicable statutes enacted by Congress to protect those rights, such as the Administrative Procedures Act (APA) and the Federal Advisory Committee Act (FACA). This document outlines several conclusions that can be drawn from the review of documents and correspondence from the White House, the Department of Agriculture, the Forest Service and various environmental groups:

- The information received indicates that all of the Administration's roadless area initiatives were developed in an environmental vacuum with virtually all input coming from a select group of environmentalists.
- There was disregard for balance in the advice solicited by other interested parties and a lack of concern for any adverse consequences on the affected users of the forestlands in question.
- The constant reference throughout the documents to the need for "permanent protection" of roadless areas reveals a predetermined outcome of the rule making.
- There was a clear lack of appreciation of the unique role of Congress under the Constitution in shaping policy on public lands and the environment.

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716 ♦ 608/224-5330 ♦ 800/922-1993 ♦ Fax 608/224-5325

Mark D. O'Connell, Chief of Staff
 Craig M. Thompson, Legislative Director

Mark M. Rogacki, Executive Director

Darla M. Hium, Deputy Director
 Lynda L. Bradstreet, Administrative Director

Page 3
WCA Memorandum
June 20, 2000

Secretary Glickman stated that the new rules were more than just a change in policy, but rather a fundamental change in philosophy. It appears that in order to accomplish this comprehensive change the new regulations and restrictions on future uses of National Forests were divided into several separate rules rather than one clear and straightforward proposal. The Roadless Initiative itself would affect 46,000 acres of the Chequamegon-Nicolet National Forest, and dictates how future management decisions will be outlined in Wisconsin's Forest Management Plan. However, the pervasiveness of possible regulations being proposed for National Forests under the Roadless Initiative is much clearer when considered in conjunction with the Transportation Policy proposal, and the Planning Regulations proposal.

For instance, the proposed rule for the National Forest System Road Management and Transportation System goes beyond the Roadless Initiative with the intent of decommissioning already existing roads. The new rules for Managing the National Forests states that the new focus is on sustainability, public participation, and improved use of science. However, under the proposal, each forest management plan developed by a Forest Supervisor must incorporate a regional guide developed by a Regional Forester. This guide is to be created with guidelines that are established and approved only by the Chief Forester, Mike Dombeck. In addition, it appears that the main emphasis of the new rule is science over public participation. The team that is to help develop these plans and regional guidelines is to consist of a combination of Forest Service staff, federal government personnel and other individuals with technical and professional expertise. Rather than give local units of government representation on the planning committee, the rule simply requires that a notice of the preparation of a land and management plan and schedule be given to those who may be impacted. A provision for consideration of such conflicts is not adequate. Local units of government deserve to have the opportunity to help shape the forest management plans that have significant impacts on their communities and constituents.

Finally, within the roadless rule itself, the Procedural Alternatives are supposed to be guidelines to be used by local forest managers when creating or revising a forest management plan to determine if the "roadless character" should be preserved in additional areas. However, given that the long term intent of the National Forest Service is to significantly restrict multiple use activities in National Forests, there is concern that local forest staff will be directed to use local forest management plans as a vehicle to further that end. It is stated within the impact statement itself, that "it is reasonable to assume that the proposed procedural requirements would reinforce the effects achieved by the proposed requirements to prohibit road construction and reconstruction and that the procedural requirements would apply to a greater area than inventoried roadless areas..."

196604

Page 5
WCA Memorandum
June 20, 2000

Together, we must find a solution that will recognize the need for self-sufficient communities. Forest resources must be effectively managed in such an environmentally responsible manner that produces long term sustainable revenue to share with counties and schools as well as products for the nation. Only by empowering local communities and allowing the decision-making to take place on the local level - closest to the people - can the economic and social stability of rural counties be revitalized and restored.

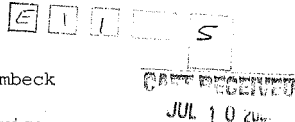
WCA respectfully requests that the Administration and the National Forest Service give significant thought to the legal, procedural, environmental and economic implications of the Roadless Initiative and other National Forest Service Proposals before moving forward in the rule-making process.

196604

United States Senate

WASHINGTON, DC 20510-5003

June 21, 2000



The Honorable Michael Dombeck
Chief
United States Forest Service
Department of Agriculture
Post Office Box 96090
Washington, D.C. 20090

Dear Chief Dombeck:

I would like to take a few moments to comment on the Clinton Administration's proposal to restrict access on 40 million acres of our national forests.

I am strongly opposed to this effort and believe this entire proposal should be abandoned immediately. Like many people in Wyoming, I believe we should work to ensure that our public lands remain available for everyone to enjoy for generations to come. Although there are places in our state that are unique and should be managed for single uses -- such as wilderness areas -- the vast majority of federal lands in our state should support a variety of activities including hunting, fishing, and other uses.

In announcing the current proposal, President Clinton stated one of the primary objectives of the plan is to engage Congress and the American public in discussions on how to manage the forest road network. Unquestionably there are areas entirely inappropriate for roads, but that is an issue that can and should be addressed by public participation procedures currently in place. The implementation of a unilateral policy, which alters already approved forest plans and restricts the ability of the public to provide input, undermines the foundation of sound land management. The existing forest plans are the result of extensive public involvement and environmental review, and provide the proper means to address public land decisions.

16037
CRAIG THOMAS
WYOMING
Secretary, Wyo

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The Forest Service has also justified the issuance of the new roadless policy as an effort to reduce environmental impacts on national forests. However, this policy contains no language to improve watershed management or reduce environmental degradation. Instead it trumps land management plans with a national directive. If implemented, the roadless area proposal would ultimately restrict access by recreationists, hunters, fisherman, and other responsible multiple-use enthusiasts. I want you to know that I, and others in Congress, remain committed to keeping The Honorable Michael Dombeck these lands open to the public and will continue fighting the Administration's unfair policies.

Thank you for this opportunity to comment on this proposal. Please know that I will continue my efforts to prevent the Administration from running roughshod over Wyoming's interests.

Best regards,

Craig Thomas
United States Senator

JUN-27-00 14:36 From: REP. CUBIN
 JUN 21 2000 4:42 PM
BARBARA CUBIN
 WYOMING-AT LARGE

COMMITTEE ON COMMERCE
 SUBCOMMITTEE:
 TELECOMMUNICATIONS, TRADE AND CONSUMER PROTECTION
 HEALTH AND ENVIRONMENT

COMMITTEE ON RESOURCES
 SUBCOMMITTEE:
 ENERGY AND MINERAL RESOURCES, CHAIRMAN
 NATIONAL PARKS AND PUBLIC LANDS

DEPUTY WHIP

Mr. Michael Dombeck
 Chief
 U.S. Forest Service
 P.O. Box 96090
 Washington, DC 20090

Dear Chief Dombeck:

I am writing to ask that you extend the comment period for the Draft Environmental Impact Statement (EIS) for the Roadless Area Initiative by an additional 120 days.

It concerns me a great deal that my constituents, as well as others, are not able to meet the comment deadline on the DEIS. It is my understanding from numerous Wyoming residents, business communities, mineral owners, ranchers, recreationists, timber producers, and local officials, that the document is very cumbersome and extremely complex. Sixty (60) days is simply not enough time to review, digest, and make adequate comments on the proposed initiative.

As you well know, the Roadless Area Initiative will have tremendous effects on the people and public land managers across the nation. I believe the Draft EIS is lacking scientific technical information, specifically with regard to oil and gas leasing, and will require a thorough examination.

In fact, at a recent Resources Subcommittee hearing on fire management on federal lands, I brought up the Social Effects section of the Roadless Area DEIS. In part, this section of the DEIS states: "Even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, and poor housing, social services, and community infrastructures.

I was pleased that the witnesses representing the U.S. Forest Service agreed to expunge that section from the DEIS. My recommendation, therefore, is since the section is no longer part of the original DEIS you allow additional time for the public to review the newly revised document.



Congress of the United States
 House of Representatives
 June 23, 2000

Rep. At Fax Note	7/671	4/21	pages 2
To	Vivian Stokes	Jackie	
By	Rep. Cubin	Rep. Cubin	
Phone #	347-6195		
Fax #			

3072616597 16038-197 P.01/02 Job-525

WASHINGTON OFFICE:
 1114 LONGMONT BUILDING
 WASHINGTON, DC 20515
 (202) 226-2311
 FAX (202) 275-0987

WYOMING OFFICE:
 100 EAST B STREET
 SUITE 4003
 CASPER, WY 82501
 (307) 261-6506
 FAX (307) 261-6567

2015 FEDERAL BUILDING
 CHEYENNE, WY 82001
 (307) 772-2665
 FAX (307) 772-2627

2515 FOURTH HILL BOULEVARD
 SUITE 204
 ROCK SPRING, WY 82901
 (307) 362-4095
 FAX (307) 362-4097

barbara.cubin@mail.house.gov
 www.house.gov/cubin

Walden, WY
 6/27/00

JUN-27-00 14:36 From: REP. CUBIN
 JUN 21 2000 4:42 PM

3072616597 T-197 P.02/02 Job-525

16038

Your efforts in seeing that my constituents are afforded the process would be greatly appreciated. I look forward to a timely response.

Sincerely,

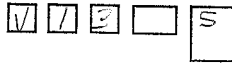
 Barbara Cubin
 Member of Congress

BC/jk

out of scope
forwarded to
Transportation Plan

2828

2828



JIM GERINGER
GOVERNOR

STATE CAPITOL
CHEYENNE, WY 82002

May 1, 2000

CAET RECEIVED

JUN 06 2000

Dr. Michael P. Dornbeck
Chief, U. S. Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

Re: Notice of Proposed Rule, National Forest System Road Management and Transportation System, Federal Register, March 3, 2000, Volume 65, Number 43

Dear Chief Dornbeck:

On behalf of the State of Wyoming, the staff of the Office of Federal Land Policy reviewed the referenced proposed rule and environmental assessment for National Forest System Road Management Strategy. At my direction, they also distributed these items to all affected state agencies for their review, in accordance with state clearinghouse procedures. Attached you will find a copy of the letter that the Office of Federal Land Policy provided to the Forest Service office in Salt Lake City.

This most recent of five large-scale policy initiatives from your agency in as many months is surprising. Up until this year, your agency always fretted over the lack of resources and time to provide timely management reviews and decisions. Now we find that the Forest Service is quite prolific, but without either a quality or a comprehensive product. You have produced a draft environmental assessment on the road management policy, and you have an environmental impact statement in the works on the roadless initiative, but there is no one document that describes the interrelationships of the roadless initiative, the road management plan, the proposed planning regulations, the strategic plan, and the unified policy for watershed approach. You owe it to the public to allow them to review and understand the inter-relationships of your various initiatives and documents. No one seems to know what effects any one of these initiatives might have on the others. You are revising the entire transportation system and road management policy for the National Forest System with a great deal of frenzy and not much substance. Good and honest government demands that you do better.

I am shocked that the Forest Service could, with any sense of sincerity, conclude that this rule will not have a significant economic impact on small businesses when considered in light of the Regulatory Flexibility Act (5 USC 601). Sawmills and timber related businesses in Wyoming would likely disagree with that statement, as would I. Your own information in the Federal Register Notice states that the road management policy would result in a loss of approximately 3,700 jobs in the timber

Further, the stated maintenance backlog (\$8.4 billion) compared to the miles of roads (380,000) equates to more than \$22,000 per mile for maintenance. This is seriously inflated. And, even if this were true, then why is the Forest Service requesting less money for road maintenance for FY2001 instead of more? That would increase the backlog, but then perhaps that is your intent.

Construction of a new road would require quite a scientific and analytical process. However, the Forest Service approach to decommissioning a road proposes no such process. I suggest that with the serious economic and social implications, you should be fair in implementing the same rigorous process in order to decommission a road.

From the beginning of this proposed rule two years ago, the cooperative partnership that has already taken place at the local forest level is constantly thrust aside for your dictatorial approach from the top. Forest and travel management plans which address these issues already exist. They were developed through a public process with local, state, and national input and are already contained in Forest Plans, Environmental Impact Statements, and other planning documents that the USFS is required to do under existing law. All of your recent letters to and discussions with those of us in the Western Governors' Association ring hollow. I have said before and I will state again that this proposal, which would negate our previously cooperative and comprehensive processes is ill-conceived and disingenuous. Your conscience as well as the stewardship laws under which you operate should move you to a better remedy.

Best regards,

Jim Geringer
Governor

JG:jh
Enclosure

cc: Senator Craig Thomas
Senator Mike Enzi
Representative Barbara Cubin
Regional Forester Lavery
Regional Forester Blackwell
Jim Souby, WGA
Natural Resources Sub-Cabinet
George Frampton, CEQ
Secretary Glickman, USDA
Stan Sylva, USFS/State Liaison

E-MAIL: governor@niissc.state.wy.us
WEB PAGE: www.state.wy.us



TELEPHONE: (307) 777-7434
TDD: (307) 777-7560 FAX: (307) 632-3909



2816 Roadless

STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

STATE CAPITOL
CHEYENNE, WY 82002

May 9, 2000

CAFT RECEIVED

JUN 05 2000

John D. Podesta
Chief of Staff to the President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Podesta:

I appreciate that President Clinton has requested impact information from the Western states regarding the roadless area proposed rule sent to you for his review. Perhaps as both you and the President review this information, you will understand why we are concerned that the State of Wyoming's request to be designated a cooperating agency on the roadless initiative, under the directives in the National Environmental Policy Act, may have been denied. I still have not received any formal written indication that our request has indeed been denied, and would request your assistance in stimulating a more positive reply from the Forest Service.

The attached impact analysis, prepared by our Wyoming Office of Federal Land Policy, is a brief and preliminary synopsis of the impact that the State of Wyoming would suffer under the roadless area initiative. The proposed rule would have a tremendous and long lasting negative economic affect on the State of Wyoming. Just this past Friday, I received notice that Pope and Talbot is shutting down their timber mill in Newcastle, Wyoming due to the lack of timber supply. I'd like you to explain to the hundreds of people in northeast Wyoming who are hurt by the closure, why the President would allow such an impact that is entirely due to the inappropriate evaluations of indiscriminate rule-making by the Forest Service.

I cannot understand how the Forest Service could assert that the State of Wyoming lacks jurisdiction, constitutional primacy, and the professional expertise to be a cooperating agency in this and other NEPA evaluations on issues which affect the State of Wyoming. The Forest Service would certainly benefit from our assistance.

Received in FS/CCU
Initial: KH
Control No: 4154470



Roadless Proposal Impacts - State of Wyoming

2816

The following items are offered for your consideration as to the impacts of the roadless proposal on lands in the State of Wyoming.

a) School Trust Lands - In Wyoming, five (5) sections of trust lands would be affected by the roadless proposal. While it is difficult to determine the exact funding deficit that would result from loss of access or restricted access, the land itself has an estimated value of \$1,000 per acre. Thus, five (5) sections, each being 640 acres equals 3,200 acres which would thus equal \$3.2 million dollars, the present worth. This does not account for any loss of future benefits that might be derived from resources/uses of the land.

Also, the 3,200 acres does not include school trust lands in the Thunder Basin National Grasslands as that planning process is not complete and therefore the nominations for wilderness designations are not finalized.

b) Recreation - For those sections of State land affected by the roadless proposal there is a concern that the potential to develop recreational opportunities will be lost. Indeed, recreational opportunities will be lost on lands both state and federal under the roadless proposal.

c) Rights of Forest Inholders - The proposal may deny the reasonable right of access to their lands pursuant to 16USC §3210(a) that requires the Secretary of Agriculture to provide access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. The State of Wyoming's boundaries encompass all or significant portions of the Bighorn National Forest, the Shoshone National Forest, the Bridger-Teton National Forest, and the Medicine Bow/Routt National Forest. In addition, our borders contain smaller portions of the Black Hills National Forest, the Wasatch-Cache National Forest, the Ashley National Forest, the Targhee National Forest, and the Caribou National Forest. When all or portions of nine National Forests are located in our state it is reasonable that significant access issues for inholders will be encountered.

d) Private/State Forest Lands - Disallowing timber production on federal land will shift that activity to private and state lands where states are the regulators. These are impacts that states must budget and plan for accordingly. The timelines of this proposal certainly haven't allowed for such.

e) Timber Dependent Communities - Wyoming has many small business and communities tied to the timber industry. There are nineteen timber processing businesses in our state. Those nineteen directly employ 845 people and 689 contract positions. Salaries for these citizens total \$50 million annually. It's estimated that the State of Wyoming receives over \$500,000 in sales and real estate taxes from this sector. Local expenditures are approximately \$7 million and the value of the wood produced is approximately \$100 million. This is significant not only in terms of economic value but significant for those

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1,500 persons employed by the timber industry and their families, not to mention the local businesses that provide goods and services.

In addition to the timber related businesses, Wyoming's counties receive approximately \$2 million annually from their 25% of forest service receipts. These monies are not derived solely from timber sales but a large portion is attributable to that revenue.

f) Forest Health - Properly managed lands face less risk of catastrophic fire. And, in the event of a fire, access is essential. Further, having roads in place reduces the costs associated with fire suppression. Finally, roads are essential for clearing forests of the buildup of fuel which in turn helps to slow or halt the spread of diseases and insects.

Should the roadless proposal become reality, we can reasonably expect that untreated/unmanaged forests are at greater risk for fire, insects and disease. We can also reasonably expect that when these problems occur on National Forest System lands they may spread to private and state lands. While this situation has occurred in the past, the future would be worse if access were limited or just not available. For example, State and Private costs incurred on the Dorn Draw Murphy Ridge, Sand Draw, Sheep Mountain and Outlaw Fires (fires which started on National Forest System lands and spread to state and private lands) totaled over \$500,000. The state and private contribution to the total costs of each of the fires ranged from 3% to 68%!

Many inventoried roadless areas have a significant forest health risk of mortality and areas where mortality is greater than growth. One specific example in Wyoming is the Tie Camp Analysis Area (which has been put on hold because of the 18 month moratorium on road building in roadless areas). Letting the forests die when they could be vigorous and productive is not responsible management of our resources.

g) Wildlife Protection - Roadless areas are generally positive for wildlife. However, some species are dependent on the edge effects of roads. Further, there are wildlife benefits that can be derived from planned management of the forest. For example, the Ramshorn project (which has also been put on hold because of the 18 month moratorium on road building in roadless areas) was being designed to improve long-term grizzly bear and other wildlife habitat with the Wyoming Game and Fish Department participating in the design of the project. That area has very high fire potential and a major fire would be detrimental to the habitat whereas a carefully planned timber harvest and regeneration project will improve the habitat in the long term and would reduce the risk of a catastrophic fire.

h) Water - There is a network of "Snowtel" facilities operated by the NRCS that monitor and track snow levels and moisture content (used in forecasting runoff). We are

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concerned that the roadless proposal might restrict access to these sites. Access is critical for operation and maintenance as well as for potentially installing new sites.

There are a number of water rights that have been issued that allow direct diversion, trans-basin diversion or storage within National Forest lands in Wyoming. If the facilities fall within a roadless area, the State Engineer's office staff and owner must still be allowed access to the facility for regulation, operation and maintenance.

Finally, we are concerned that change in land management conditions may also change the hydrologic condition (historic runoff, etc.).

i) Minerals - Recently, the Wyoming State Geological Survey completed a minerals survey for use in the Medicine Bow National Forest Plan Revision. While this is only one of the nine forests which are located partially or wholly within Wyoming's borders, it is indicative of the tremendous minerals potential.

Several industrial mineral sites were identified in areas proposed for roadless designation. Some of these are decorative stone sites, others are dimensional stone. The decorative and dimensional stone industry is undergoing significant growth in Wyoming. As it continues to grow, the value of these products will only increase. Further, uranium producing deposits similar to those found in Canada and South Africa have been found in the Sierra Madre and Medicine Bow mountains. The potential for a uranium source and production is present.

The entire Medicine Bow National Forest is considered to have high to moderate potential for diamondiferous kimberlite (one of only two rock types that are known to contain commercial amounts of diamond). Commercial diamonds typically generate millions to billions of dollars in revenue over the lifespan of a mine.

There is also a history of copper, silver and gold mining in the area, there is still favorable potential for those base metals, as well as for zinc and lead.

Perhaps the most interesting potential and the one that causes a great deal of concern to the State of Wyoming if exploration isn't possible is the high potential for discovery of platinum group metals. These include platinum, palladium, gold, silver, copper, titanium, chromium and vanadium. Since there are only two other known platinum sources (Russia and South Africa and Russia's supply is dwindling) the possibilities for exploration and development of this resource cannot be diminished. The Mullen Creek Complex in the Medicine Bow Mountains hosted one of the only known platinum-palladium mines in North America (the New Rambler) which produced 1,753,924 pounds of copper, 171 ounces of gold,

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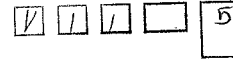
7,346 ounces of silver, 16,870 ounces of palladium and 910 ounces of platinum. The Lake Owen complex resource figures for vanadium (one of the lowest valued metals in the complex) estimated 1.4 billion tons valued at \$33,000,000,000 in 1988. This doesn't even account for the higher value metals. This deposit alone could ultimately produce billions of dollars in metals while reducing America's dependence on foreign sources of these critical and irreplaceable minerals.

This is only information on the Medicine Bow National Forest. Consider that the Shoshone National Forest has high potential for silver, gold, lead, zinc and copper deposits. The Wind Rivers are known to have diamonds, gold and iron. The Bighorns have diamonds and dimensional limestone. The Black Hills have limestone and basalt. The Bridger-Teton National Forest has dimensional limestone and granites. There is so much at stake with the potential UNKNOWN resources that could be locked up by this roadless area protection initiative. These could have tremendous gross economic value as well as providing a domestic source of minerals which have no substitute and which are integral to many products upon which we depend. The American public deserves the opportunity to at least explore these resources!

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STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

July 17, 2000

STATE CAPITOL
CHEYENNE, WY 82002

Dr. Michael P. Dombeck
Chief, U.S. Forest Service
201 14th Street, S.W.
Washington, D.C. 20250

Dear Chief Dombeck:

On behalf of the people of Wyoming, I must comment further on the Roadless Area Conservation proposal. I continue to believe that your directives to the Forest Service to evaluate road and roadless policies within your area of stewardship are not public minded, but are disingenuous and contrary to both the spirit and the letter of the National Environmental Policy Act.

Your actions belie the words of support that you have sent to me and the western governors as we work to implement collaborative approaches with you on resource management issues. I continue to work in Wyoming to partner with federal agencies, and we have worked towards establishing an atmosphere of mutual trust, respect, and community based values and considerations. You continue to set aside our efforts, at the same time you demoralize your own Forest Service people in the field and risk permanent dismissal of a great deal of hard work.

At my direction, the Office of Federal Land Policy has reviewed the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) on behalf of the State of Wyoming. They provided the DEIS to all affected Wyoming state agencies for their review and asked for their comments. I have attached their comments on the DEIS and have also sent them to the content analysis team in the Salt Lake City office.

The public hearings that have been conducted around Wyoming have been categorized by several attendees as a sham. I personally directed that the staff of the Office of Federal Land Policy attend these meetings. They attended eight of the eleven meetings held around the state and have confirmed to me that the meetings were less than informative, but the lack is not the overall fault of your local Forest Service employees. For their part in conducting scooping meetings, they were given little to no information for their use in answering questions. And most recently, members of the public were offered a whopping three minutes each to comment on

E-MAIL: governor@misc.state.wy.us
WEB PAGE: www.state.wy.us



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matters that will affect them for a lifetime. This amount of time was not realistic. Forest Service employees were embarrassed to enforce such a limit. I am left to presume that you designed the extremely short analysis period, and denied our western states cooperating agency status in order to support a predictable, pre-election announcement geared to support your presidential candidate. You should leave politics out of your job, Mike. Your approach places a high value on counting hundreds of form letters, impersonal post cards, and chain letter e-mails, but sets aside substantive deliberation and informed evaluation. We believe that public input should be measured as to its substance, along with the numbers of those who show up to participate.

For the forest plans currently in revision or planning for revision in the near future, your new process will continue to undermine public stewardship and trust. Planning dollars are a scarce commodity and should not be squandered on a sham. Reallocation of those planning dollars for this roadless initiative is having a negative impact on those forests that need to revise their forest plans, as prescribed, that includes local input and public participation, the way it should be done. You have not only created a de-facto wilderness, you have set aside your Congressionally mandated obligation to encourage multiple use.

I continue to believe that the extraordinarily short time frame allowed for the public to consider and comment on this proposal is unrealistic and has been only a process of "going through the motions" to take you to the end result of a predetermined outcome.

As well, I still contend that if the proposed rule and DEIS are carried forward to a final rule, it will violate both the letter of the Wyoming Wilderness Act of 1984 (P.L. 98-550) and the Congressional intent. We, in the State of Wyoming, have asserted this possibility previously and you have yet to respond.

You continue to ignore concerns for access for those with disabilities. The Wyoming Veterans' Affairs Commission has expressed grave concerns for our veterans who may be elderly or have diminished abilities to access their national forests. Other recreationists may be disabled or less-abled and wonder how they will access their lands. Has there been an analysis of the Americans with Disabilities Act (ADA) implications? If not, why not? Please address this oversight in the DEIS as an ethical and moral obligation to recreationists of different abilities. This omission alone should send this plan back to the drawing board.

Wyoming and its timber industry recently suffered a blow in the loss of the Pope and Talbot mill in Newcastle, Wyoming. Restricted U.S. Forest Service harvests caused the closure of the mill according to mill officials. Other mill operators are plagued with uncertainty over access to and supply of timber. In Newcastle, approximately 125 persons are now unemployed in a town with a population of 3,000 people. I expressed my concerns to President Clinton last spring and followed up with the President during our conversation in State College, Pennsylvania last week. His reply was "Yes, I owe you a reply." Both of you need to get off your dogma and take action.

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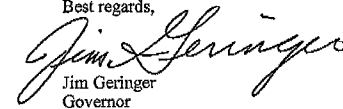
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As noted, recreationists, the minerals industry, the timber industry and many other user groups will be affected by your roadless proposal. To add insult to injury, your characterization of our hard working people is outrageous and patently offensive, regardless of your meager attempts to subsequently convey a note of regret that you even uttered these words:

"Even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of populations turnover, high divorce rates, and poor housing, social services and community infrastructures....Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them." (P. 3-190 DEIS)

Your bias against common people exemplified by your stereotype of them gags even the most callous among us. Set aside your agenda and join us in true stewardship, Mike. That's the best legacy you could leave America as chief of her forests.

Best regards,



Jim Geringer
Governor

JG:arjh:lq

cc: Senator Craig Thomas
Senator Mike Enzi
Representative Barbara Cubin
Wyoming Cabinet
Jim Souby, Western Governors' Association
George Frampton, Council on Environmental Quality
USDA, Secretary Dan Glickman
Lyle Laverty, Rocky Mt. Regional Forester
Jack Blackwell, Intermountain Regional Forester
Stan Sylva, USFS/State of Wyoming Liaison
Wyoming County Commissioners
Joe Evans, WY County Commissioners Association
Wyoming Veterans Affairs Commission
Governor's Council on Developmental Disabilities

TOTAL P.03

USFS CAET
Attention: Roads
P.O. Box 221090
Salt Lake City, UT 84122

Re: Notice of Proposed Rule, National Forest System Road Management and Transportation System, Federal Register, March 3, 2000, Volume 65, Number 43

Dear Sir or Madam:

On behalf of the State of Wyoming, the staff of the Office of Federal Land Policy reviewed the referenced proposed rule and environmental assessment for National Forest System Road Management Strategy. We also distributed these items to all affected state agencies for their review, in accordance with State Clearinghouse procedures. Attached are letters from the Wyoming Game and Fish Department, the Wyoming Department of Agriculture and the Wyoming State Geological Survey which resulted from their reviews. State agency comments are specific to their respective agency missions. While the State defers to their respective technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and positions lies with the Governor or the Office of Federal Land Policy.

You will note that we have attached a letter that was sent from Governor Geringer to Chief Dombeck. Please include this in your record. In concert with our Governor, this office would also like to express our frustration with the fact that this is one of five large-scale policy initiatives from your agency in as many months. In addition there are on-going forest plan revisions in our region. It is simply more information that the general public or government agencies (including the local USFS personnel who are at a loss to explain or reconcile these concurrent issues) can process and truly grasp, particularly given the fact that all these initiatives are interrelated. Along those lines, there does not exist one comprehensive document that describes the interrelationships of the roadless initiative, the road management plan, the proposed planning regulations, the strategic plan and the unified policy for watershed approach. We believe it is imperative to do such an analysis and to provide the public with an opportunity to review that sort of documentation. It is impossible to know the effects of one of these initiatives without considering the additive effects of the others.

We agree that it is important for the Forest Service to develop a comprehensive inventory of roads. We also believe that it is prudent for the Forest Service to spend its limited road

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All actions should be analyzed through NEPA in a consistent and measured manner. This proposed rule lends more emphasis to decommissioning roads than to just maintaining the current system let alone building any new roads. Access to our national forests is necessary to be able to pursue all the multiple uses that Congress fully intended that the forests should offer the public of the United States. Further, as noted in the comments from the Game and Fish Department, "It is vital for the success of this process to provide publics and local, state and tribal governments ample opportunity early and throughout this effort..." We wholeheartedly agree!

Additionally, we believe that an EA is insufficient to analyze a policy change with national implications - revising the entire transportation system and road management policy for the National Forest System! According to the Council on Environmental Quality's (CEQ) Regulations and CEQ's Forty Most Asked Questions for implementing the National Environmental Policy Act (NEPA), an environmental assessment serves the function of determining whether or not an environmental impact statement (EIS) is necessary. If an EIS is not necessary, then there are likely no significant impacts, resulting in the issuance of a Finding of No Significant Impact (FONSI). This proposed rule will certainly have *significant* impacts and as such, a FONSI is not possible and an EIS is warranted.

The CEQ has advised agencies that an EA should be no more than approximately 10-15 pages. While there are some cases where a lengthy EA is necessary, it is usually an indication that an EIS is necessary. The EA for the National Forest System Road Management Strategy is 76 pages in length with an additional 34 pages of appendices. There is almost one page of appendices for every two pages of the document. This ratio belies the complexity of the issue. We suggest that if the subject matter alone, with its far reaching implications, doesn't sound a warning signal, that the length of the EA should at least indicate to you that this is a significant issue and an EIS is required.

More disturbing still is the fact that you analyzed "No Action" and a "Proposed Action". That's it. NEPA requires that you analyze a full range of alternatives and you have not met that requirement.

As Governor Geringer pointed out, we find it outrageous that the Forest Service could, with any sense of sincerity, conclude that this rule will not have a significant economic impact on small businesses when considered in light of the Regulatory Flexibility Act (5 USC 601). Sawmills and timber related businesses, grazing permittees and related businesses, recreationists and related businesses, minerals exploration and extraction businesses in Wyoming would likely disagree with that statement! Your own information in the Federal Register Notice

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timber industry alone and an annual loss of \$10 billion in recreation. This insignificant is an insult to the families of all those who will be unemployed. Further, you did not provide any impact information regarding grazing, recreation, the minerals industry and related main street businesses. We request that you reconsider that statement and to re-think the "no significant economic impact" theory. *There will be significant impacts.*

The stated maintenance backlog of at last \$8.4 billion (and possibly as much as \$11 billion) compared to the miles of roads (380,000) equates to at least \$22,000 per mile for maintenance. This is seriously inflated. Even if this were true, then why is the Forest Service requesting less money for road maintenance for FY2001 instead of more? That would increase the backlog - but perhaps that is the intent.

In order to construct a new road, there will be an in-depth analytical process that will be prescribed. We assume, in the interest of fairness, that you plan to utilize that same process for determining whether or not to decommission a road.

It is disturbing that the United States Forest Service, established with the overriding objectives of "... securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the United States" (16 U.S.C. 475) would suggest that there is ample timber from other lands (state, private and even other countries) to meet the needs of the United States. Many other nations do not have environmental controls like those in the United States, so we will suffer the global consequences of environmentally unfriendly timber harvest from those nations. Would it not be logical to scientifically harvest our own ample supply of timber under environmental considerations and with public involvement? Further, why would the United States want to increase our dependence on foreign sources when there is no need to do so? Why would we not want to employ our citizens in viable jobs when there is opportunity to do so? Our forests are to be managed for MULTIPLE USE. The thrust of this proposed rule and of the other host of recent management proposals from the U.S. Forest Service indicates that the forests will not be accessible and there will be no use that will be possible. Once again we are seeing a flawed premise that biology and sustainability far outrank socio-economic considerations. Multiple use means you can and should have both. It is harder to do, of course, but it means having meaningful dialogue with all of the publics and scientifically managing forests for all uses.

Statutory enactments since the 1897 Organic Administration Act have added uses for which the national forests may be managed but did not change the primacy of securing favorable water flows and timber production. Congress has not changed the law and under the Property Clause of the U.S. Constitution, control of the forest system by Congress is absolute. We question whether or not these five concurrent issues is not an attempt to dilute the absolute. If there is to be any change in management of the National Forest System it must come from the U.S. Congress. Until such time, the National Forest System must be managed according to the

It is our understanding, having consulted with the nation's forests are facing an immense forest health crisis. Millions of acres are at risk of insect and disease epidemics and catastrophic wildfire. Access (roads) to areas which require active management is essential. Surely the agency responsible for maintaining this healthy and vigorous resource recognizes this crisis and will not impede it's resolution.

We state once again that we believe the process that exists, which provides for decision making at the Forest level, is the most responsible means of conducting planning and decision making. Forest and travel management plans are developed through a public process, with local, state and national input. Any new proposal to negate that comprehensive process would be a mistake.

Finally, we request that you give the public an opportunity to visit with the Forest Service about this proposed rule and environmental assessment at public meetings, none of which are presently scheduled, before making any determination about a final rule.

Thank you for the opportunity to comment.

Sincerely,

Art Reese
Art Reese
Director

AR:jh

Enclosures (4)

- cc: Governor Geringer
- Senator Craig Thomas
- Senator Mike Enzi
- Rep. Barbara Cubin
- Regional Forester Lavery
- Regional Forester Blackwell
- Jim Souby, WGA
- Natural Resource Sub-Cabinet
- George Frampton, CEQ
- Sec. Glickman, USDA
- Stan Sylva, USFS/State Liaison

TOTAL 1



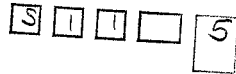
JIM GERINGER
GOVERNOR

State Of Wyoming
Office of Federal Land Policy

July 14, 2000

CAET RECEIVED

JUL 17 2000



USDA, Forest Service - CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Sir or Madam:

On behalf of the State of Wyoming, this office has reviewed the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. We also provided the document to all affected state agencies for their review, in accordance with State Clearinghouse procedures. Enclosed you will find letters from the Wyoming Department of Transportation, the Wyoming Game and Fish Department, the State Historic Preservation Office, the State Geological Survey, the State Engineers Office, the State Forestry Division, the Wyoming Department of Agriculture and incorporated in this letter the thoughts of the State Trails program, all of which resulted from their reviews. State agency comments are specific to their respective agency missions. Please give these comments every consideration. They contain a great deal of information which will be useful to you. While the State defers to their technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and unified positions lies with the Governor of the Office of Federal Land Policy.

This proposed rule and Draft Environmental Impact Statement are vague and therefore superficial both in content and analysis. This attempt to gloss over so many significant issues has resulted in a document that cannot be adequately analyzed in terms of "total picture" impact to the State of Wyoming. Comments submitted by state agencies represent their specific missions. Predictably, since particular agency missions differ widely, the roadless proposal might be beneficial to some agencies, not so with others. However, the one point upon which all state agencies agree, is that this proposal has been rushed. There has been inadequate time for thorough review and the process has been flawed. A flawed process generally results in a flawed outcome. Surely the Forest Service could have benefitted from the expertise of our state agencies in developing this document. Instead, when the State of Wyoming requested Cooperating Agency Status under the National Environmental Policy Act, we were verbally denied because this is a "national issue". In a letter dated May 26, 2000 directed to Governor Geringer and signed by Scott Conroy, it was also not formally denied but instead said thanks for asking but Chief Dombeck and Undersecretary Lyons already outlined

Herschler Building 1W ♦ 122 W. 25th Street ♦ Cheyenne, Wyoming 82002-0060
Phone (307) 777-7331 ♦ Fax (307) 777-3524



Roadless Areas Proposed Rule & DEIS
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collaborative procedures. In other words, that's good enough. This is offensive given that the drafting of the document not to mention the printing and distribution have barreled ahead at unprecedented speed with virtually no interaction with the state and local governments that will be profoundly affected by the results of this initiative if it is carried out as proposed.

Specific to the distribution of the document, the State of Wyoming requested 18 full paper copies, 2 CD-ROM versions and six summaries to distribute to all its affected agencies. We ordered this information per your instructions and on April 14, 2000. To date, the Governor has received one copy and the Office of Federal Land Policy received one copy. No other copies were ever delivered to our office. There was no communication whatsoever. This office did indeed obtain copies from another source. This was not something that your office knew nor was it something that should have been assumed. We did not - even gaining copies ourselves - have sixty (60) days to review this proposal. There have been no extensions granted. Where does this leave us?

The FS notes how many comments were received. Yet, the comments submitted by the State of Wyoming and its agencies were not given adequate, if any, consideration. We are left to wonder if the many other comments were treated similarly. Further, there is mention several times of the numerous meetings and hearings held. During the first round of meetings, little to no information was available. It was a waste of time and money not to mention embarrassing to your own employees who were on the front lines without having been provided adequate information to address questions. You also neglect to mention that there were time limits set for commenting. Setting a limit is not bad, but it should at least be realistic. In the latest hearings, your three minute limit for commenting was extremely short.

Though we raised the issue during scoping, you did not address or analyze the question of whether this proposal may violate the Wyoming Wilderness Act of 1984 (P.L. 98-550). We would appreciate the courtesy of a response.

The DEIS states that this proposed action does not restrict access. That may (or may not) be true right now but without the ability to maintain roads, access will become more and more limited as roads deteriorate. And, although presumably no roads (definition of a road comes into play here) will be closed - this pertains to numbered or designated roads. What about two-tracks? Will they be decommissioned?

In turn, our State Trails program noted some concern with regard to continued motorized access to National Forest lands. While the DEIS states that "the action alternatives do not directly address the balance between motorized and non-motorized

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recreation in unroaded areas" (page 3-171) it is difficult to believe this statement. Experience shows that, although they state these decisions will be deferred to local actions like Forest Plan revisions, national policy normally influences how local officials treat such issues. The roadless action alternatives will simply set the stage for no motorized access into unroaded areas. A document focused on the issue of roads that doesn't address motorized and non-motorized access is a deficient NEPA document.

The DEIS lacks a detailed social and economic assessment. Since NEPA requires federal agencies to address the human environment, where is the consideration for that? This whole document deals only with the ecological sustainability. And it does not do a very adequate job of that. Repeatedly, the document states that "not enough information was available." This should give the U.S. Forest Service pause. Making this sort of monumental decision without enough information is irresponsible. The NEPA regulations state that if relevant information is essential to making a reasoned choice among alternatives and the costs of obtaining it are not exorbitant, the agency shall include that information. (40 CFR 1502.22) The State offered to provide information (free or at a very minimal cost) and indeed could have filled in many of the gaps in the document but we were not asked or even allowed to assist when we offered!

As noted by our Governor in his letter to Chief Dombek, the Wyoming Veteran's Affairs Commission has expressed grave concerns with the abilities of veterans who may be elderly or disabled to access their national forests. Our constituents are asking how this will affect recreationists who may be disabled or less-abled and how they will access these lands? Has there been an analysis of the Americans with Disabilities Act (ADA) implications? If not, why not? We concur with Governor Geringer that this is a huge oversight in the DEIS and is an ethical and moral affront to recreationists of different abilities.

Additionally, the State Trails Program Coordinator shared with this office that from the recreation perspective, roads equate to access and to recreation opportunity. He has asserted that while approximately 20% of USFS lands are currently managed as "wilderness", these lands host only about 3% of all recreation which occurs on USFS lands. This disparity will increase if another 28% of USFS lands are classified and managed as roadless, because we believe they will, in effect, be managed as de-facto wilderness. The bottom line is that recreation access will be further decreased and recreation use will be further concentrated onto only about 50% of all USFS lands. The 3% of people who can get deep into the backcountry will gain another 51 million acres for their use and the remaining 97% will be concentrated into a smaller area. Thus, it is the contention of the trails program that the USFS will then find itself in the full time business of managing recreation user conflict.

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Several guiding documents produced by the U.S. Forest Service in recent months all have the same theme - ecological sustainability, biological diversity, etc. While we agree that these are important considerations, these same planning documents result in the U.S. Forest Service fundamentally altering their own mission from multiple use to a focus on ecological sustainability. This is seemingly in violation of the intent and direction of Congress and the National Forest Management Act and the Multiple Use Sustained Yield Act. We have previously requested a solicitor's opinion on this question and have not received a response. We ask again, is this legal for the Forest Service to alter its mission arbitrarily and if so, would you please provide us with solicitor's documentation that validates this change. We expect a timely response.

This entire roadless proposal and the acres affected is being based on the RARE II inventory. That information was suspect 21 years ago - now it's not only suspect but old. Further, I understand that even though some forests have more current road inventories, they may not be allowed to use their current information but may also be required to use RARE II inventories. That doesn't even make good sense. Why would the analysis team choose to do such a thing? NEPA requires the use of best available information.

There is no clear explanation of how the \$8 billion road maintenance backlog figure was determined. We would appreciate an explanation.

Since harvest amounts were based on using timber found in roadless areas, how will forests adjust allowable sale quantities (ASQ) and acres for harvest if they're not allowed to harvest from roadless areas? Will this require amendments to every forest plan?

The effects of road building are exaggerated. There are effects but they are not as horrible as they portrayed in the DEIS, neither are the benefits of not building roads as tremendous and wonderful. As it is portrayed in the document, one might believe that all 51 million acres are in immediate danger of being roaded. They are not. This is an untruth and isn't related to disclosure as NEPA requires so much as it is a method of delivery for a public relations message you wish to spin to the American people. As such, we are gravely concerned that since Vice President Gore has publicly announced his thoughts on the roadless proposal, it may bias the outcome. Have decisions already been made?

Does the Forest Service really believe that shifting harvest to less environmentally protected areas is a good idea? Many other nations do not have environmental controls like those in the United States, so we will suffer the global consequences of environmentally unfriendly timber harvest from those nations. Would it not be logical to

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scientifically harvest our own ample supply of timber under environmental considerations and with public involvement? Further, why would the United States want to increase our dependence on foreign sources when there is no need to do so? Why would we not want to employ our citizens in viable jobs resulting in healthier forests when there is opportunity to do so? Congress says that our forests are to be managed for MULTIPLE USE. The thrust of this proposed rule and of the other host of recent management proposals from the U.S. Forest Service indicates that the forests will not be accessible and there will be no use that will be possible. Once again we are seeing a flawed premise that biology and sustainability far outrank socio-economic considerations. Multiple use means you can and should have both. It is harder to do, of course, but it means having meaningful dialogue with all of the publics and scientifically managing forests for all uses just as the Congress intended. Again, we are back to a fundamental legal issue - can the U.S. Forest Service change it's mission without Congressional approval?

In this proposal as well as others (Planning regulations, Strategic Plan, Road Management Rules, etc) the Forest Service has proclaimed there will be no significant economic impacts. THIS IS UNTRUE! If you make such a claim then provide documentation as to what the exact impacts will be so a true determination of significance can be rendered.

Using the timber industry in the State of Wyoming as an example, there are many small business and communities tied to that industry. During scoping, there were nineteen timber processing businesses in our state. Now there are 18. Those nineteen directly employed 845 people and 689 contract positions. Now we must subtract 79 employees from that tally and subtract 50 contractors. Salaries for these citizens total \$50 million annually (minus, of course the citizens now unemployed by the closure of the Pope and Talbot Newcastle mill). It's estimated that the State of Wyoming receives over \$500,000 in sales and real estate taxes from this sector. Local expenditures are approximately \$7 million and the value of the wood produced is approximately \$100 million. This is significant not only in terms of economic value but significant for those 1,500 persons employed by the timber industry and their families, not to mention the local businesses that provide goods and services.

In addition to the timber related businesses, Wyoming's counties receive approximately \$2 million annually from their 25% of forest service receipts. These monies are not derived solely from timber sales but a large portion is attributable to that revenue. One final example, the community of Newcastle will lose \$28,750.00 in property taxes, per year, from the sawmill alone. It is cavalier for a federal agency to assert that the economic impact is minor. In our estimation, relative to this state's economy, this is

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Roadless Areas Proposed Rule & DEIS
July 14, 2000
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significant to the State of Wyoming, its counties and in particular to those employed directly and indirectly (or laid off due to the mill closure) by the timber industry.

Even more offensive than saying the timber industry is insignificant is your characterization of loggers and mill workers. You boldly state that, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them." How can you paint such a broad brush picture? This is offensive and inappropriate. You owe an apology to this industry and its dedicated and skilled employees. There is no place in a federally generated document for this kind of subjective, offensive rhetoric.

Assuring access to private lands, state lands, etc...through valid existing rights is not enough. There is no thorough discussion of valid existing rights. Further, it does not put to rest the issue of access which is subject to the permitting processes which must be renewed from time to time. What happens when a permit is not renewed? Please provide more specific information on this topic.

Your statements regarding minerals are confusing. It is stated that "construction and reconstruction of roads considered reasonable and necessary for locatable mineral exploration and development would be allowed as a right of access guaranteed by the General Mining Law of 1872." Yet, it is also stated that the proposed action "would likely restrict the opportunity for exploration and development of presently undiscovered leasable mineral resources..." and that exploration and development of salable mineral resources might be restricted by the proposed action as well. So, we glean from this that IF the USFS determines road construction and reconstruction is reasonable and necessary (fairly arbitrary) one might be able to access locatable minerals for exploration and development but maybe not. And if the minerals are undiscovered, you might or might not be able to gain access to seek out potential mineral resources. It seems the bottom line is that access will be limited and the ability to gain access will be based solely on the discretion of whether it is necessary or reasonable.

15901



Wyoming Department of Agriculture

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: (307) 777-7321 ■ FAX: (307) 777-6593
E-mail: wda@missc.state.wy.us ■ Home page address: wyagric.state.wy.us

15891
Jim Geringer, Governor
Ron Micheli, Director

Roadless Areas Proposed Rule & DEIS
July 14, 2000
Page Seven

We state once again that we believe the process that exists, which provides for decision making at the Forest level, is the most responsible means of conducting planning and decision making. Forest and travel management plans are developed through a public process, with local, state and national input. Any new proposal to negate or re-direct that comprehensive process would be a mistake.

The State of Wyoming appreciates the opportunity to comment.

Sincerely,

Art Reese
Director

AR;jh

Enclosures (6)

cc: Governor Geringer
Senator Craig Thomas
Senator Mike Enzi
Representative Barbara Cubin
Wyoming Cabinet
Jim Souby, Western Governor's Association
George Frampton, Council on Environmental Quality
USDA, Secretary Dan Glickman
Lyle Lavery, Rocky Mt. Regional Forester
Jack Blackwell, Intermountain Regional Forester
Stan Sylva, USFS/State of Wyoming Liaison
Wyoming County Commissioners
Joe Evans, Wy. County Commissioners Association
Wyoming Veterans Affairs Commission
Governor's Council on Developmental Disabilities

July 6, 2000

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

CAFT RECEIVED

JUL 17 2000

Dear Art:

Following are our comments on the Draft Environmental Impact Statement by the U.S. Forest Service on Forest Service Roadless Area Conservation. These comments regarding this proposal are specific to WDA's mission within state government which is to assist the citizens of Wyoming to live safe and healthy lives, promote and preserve our agricultural community, be responsible stewards of our natural resources, and achieve integrity in the market place. In that regard, these comments are meant to, in association with all other agency comments, assist in defining the State Position. These comments defer to and are subordinate to the State Position.

The DEIS reflects a plan affecting 27 percent of all national forest lands and impacts virtually all elements of our national society. The consequences are far-reaching and long-lasting. Yet, the American public has had insufficient time to review and evaluate the full environmental impacts of this proposal. A federal judge recently warned the Forest Service that its haste was jeopardizing the public review process and he advised them to slow down. There is no evidence that they heeded his direction, and this proposal remains on a unusually fast track. Other EIS processes for far less significant proposals are allowed far more time for a more thorough review of the proposal and a more thoughtful preparation of significant comments. Because the American people have not had adequate time to fully review, research, and evaluate the proposal and its effects and to prepare their comments, the process underlying this proposal is flawed.

During the brief time that we had to study this proposal, we identified the following concerns.

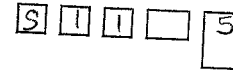
There does not appear to be any need for this proposal, for several reasons.

The needs identified in this proposal are being satisfied by other means. Those needs are to ensure dispersed recreation, sources of public drinking water, and large undisturbed landscapes for the American people. Other needs identified in the DEIS are to serve as bulwarks against the spread of invasive species and provide important habitat for rare plant and animal species, support the diversity of native species, and provide opportunities for monitoring and research. However, these needs are being met by designated wilderness areas, first created in 1964 and then the National Wilderness

These comments defer to and are subordinate to the State Position

Our mission is to assist the citizens of Wyoming to:
■ live safe and healthy lives ■ promote and preserve our agricultural community ■ be responsible stewards
of our natural resources ■ achieve integrity in the market place

Board Members
Linda Taliaferro
Green River
Kelly Lockhart
Jackson
Kenneth Macy
Pine Bluffs
Alice Beasley
Evansville
John Hester
Keeline
Matt Brown
Thermopolis
Rod Smith
Gillette



15891

Preservation System created by Congress in 1972. Today, 22 percent of all national forest lands are designated wilderness. Those FS wilderness lands coupled with this roadless proposal would mean that nearly 50 percent of national forest lands would be removed from multiple use and would not be available for any activity requiring roads.

Secondly, the additional increase in roads identified in this proposal is insignificant compared to the total miles of roads in the FS system. The DEIS states the FS is responsible for 386,000 miles of roads and that over five years, 1,444 miles of roads would be constructed or reconstructed in inventoried roadless areas. This is an average of under 289 miles per year. Thus, new construction represents under 4/10ths of 1% of the total FS road miles. When these miles are further divided into their separate national forests, the few additional miles of road construction or reconstruction should easily be considered at the National Forest level.

Finally, the decisions on which roads to construct/reconstruct and which areas to be roaded or unroaded are better reviewed and evaluated at the individual forest level, where the specific environmental conditions and peculiarities besetting that forest can be evaluated. The DEIS acknowledges that fact with the Tongass alternatives which recognize the importance of the five-year review of the April 1999 Tongass Land and Resource Management Plan. The DEIS also states in Prohibition Alternative 1 that road construction/reconstruction would be prohibited where land management plan prescriptions prohibit such action. Moreover, National Forest Management Act planning is based upon the premise that decision making for local areas should be made with site-specific, scientific information for that particular area. But this proposal is a one-size-fits-all, top-down management plan, that defies the NFMA planning concept.

In summary, the presence of millions of acres of congressionally designated wilderness areas, the insignificant additional road miles being proposed, and the availability of forest land & resource management plan processes seems to obviate the stated needs for this the proposal and DEIS.

Other concerns.

The proposal is based on outdated and non-scientific information. The Forest Service acknowledges that roadless areas were inventoried in the 1970s through their RARE II analyses or through subsequent regional and local forest planning activities. The facts are that the RARE II inventory was incomplete and inaccurate. This inventory often misidentified roaded and roadless areas, identifying roads that didn't exist, or not identifying roads that did exist. Moreover, this information is now badly outdated by subsequent activities during the last 25 years.

Since the RARE II analyses, U.S. Forest Service officials have made no similar organized inventory effort.

Within the last few months that the roadless initiative has been promoted, FS officials on the ground were scrambling with little money and few personnel to acquire as much information as possible on roads in their particular national forests. With severely limited resources, officials admitted they

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relied on reviews of maps, with little on-ground verification. As a result, road information is often wrong. As a test, we selected four roads at random in the nearest national forest and found that information on three of those four roads to be erroneous. Roads that were clearly identified on FS maps and road signs as FS roads, with assigned FS road numbers, were and had been impassable by 4-wheel drive vehicles. The survey confirms FS admissions that FS road inventories are often incomplete and erroneous, suffering from a lack of on-the-ground inventory.

In order for the public to be able to evaluate and comment on this roadless proposal, the public must be able to know the current situation. But current, complete, and correct information is unavailable. Stated needs for road maintenance, uses of roads, roads being used, how those roads are being used, etc. can be often based on outdated, incomplete, and inaccurate information. The FS has asked for public comment, but the public needs and deserves current, complete, and correct information in order for their comments to be meaningful.

Another concern: the purposes of the national forests are being misrepresented. National Forests are not National Parks. Of and by themselves, they are not intended to be designated wilderness areas. National Forests were created for different purposes. The forests were created to be used by and serve the American people. When President Theodore Roosevelt appointed Gifford Pichot as the first FS chief, his idea was for the proper multiple use of the National Forests, including sound logging practices, beneficial livestock grazing, and recreation. Pichot wrote in the 1907 issue of *The Use of the National Forests*, "The main thing is that the land, as well as what grows on it, must be used for the purpose for which it is most valuable." There has been no change in Roosevelt's and Pinchot's visions of the National Forests' original intent: multiple use. There has been no change in the congressional requirement for multiple use as written in the National Forest Management Act and the Multiple Use Sustained Yield Act.

Yet, the proposal will reduce the areas of our National Forests that can be used for multiple uses. The FS earlier acknowledged that reduced timber harvest and mineral exploration and extraction will be reduced by \$42 million annually, with a loss of 3,700 jobs and \$10 million in payments-to-states. Timber and mineral experts say these estimates are conservative. Alternatives 2-4 indicate a loss of 42 to 60 percent of the total annual timber harvest on national forest lands as a result of this proposal. A corresponding loss in jobs, payments to counties, and economic impact has to necessarily result. Those losses are devastating to industry and rural communities, which in turn reduces infrastructure to support other industries and their citizens.

The FS claims that these losses will be partially offset by Payments in Lieu of Taxes, but they don't identify or estimate the offset. However, PILT was never intended to offset losses from reduced timber harvest, mineral exploration, or other multiple uses. PILT was intended to repay counties for losses in taxes because lands in those counties were federally owned, not privately owned. Counties currently receive PILT payments, but those payments to counties have dwindled significantly during the last eight years as the FS has cut logging on National Forests. Reduced timber harvest and mineral exploration will further decrease, not increase, PILT payments. Moreover, FS officials are aware that Congress has not fully funded the PILT program for several years. The bottom line: rural

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counties who can least afford these \$52 million losses will suffer the worst from this FS proposal.

Livestock grazing will be adversely affected by this proposal in at least two ways. First, many roads that are being used to transport cattle and for maintenance, such as water tank and fence repairs, will no longer be available. Second, prime pasturelands and roads that are created as a result of timber harvest also will no longer exist. The end result: ranchers will have less capability and greater costs to produce food and fiber for the American people. The lack of time to available to research this proposal prohibited an exact determination of the full impacts. But the impacts will transcend economic effects. As costs increase and the lands upon which to graze livestock diminish, ranchers are being forced to sell their lands. These sales most often result in the loss of open spaces, the loss of wildlife habitat, and the loss of the very environmental values that this proposal is supposed to be preserving.

The American people lose in another respect. One of the most important uses of our national forests are to generate inexpensive and abundant timber and wood products, oil, gas, energy, coal, other minerals, and food and fiber for the American people. These objectives are minimized or not mentioned in the DEIS. Yet, their vital importance to the well being and quality of life of the American people remains. The socio-economic, environmental, and quality of life impacts of these losses caused by this proposal needs to be more thoroughly studied before any final decision is made.

The Federal Register Notice says the only negative effects from the proposed increases in decommissioning and roadless areas is the reduced timber harvest and mineral exploration and extractions. The facts are that there will be negative effects in many other areas.

FS officials have stated that recreation forest road use has grown 123 times its 1950s rate and driving for pleasure is the single largest recreational use (35.8% in 1996). In fact, the public's demand for roads in National Forests, as illustrated by these statistics, is the highest in our nation's history, and FS officials predict that demand will grow 64% in 45 years. Thus, at a time when the public is demanding a greater use of roads in National Forests, the FS is taking steps to ensure that that growing need will not be met. Worse, they will be funneling more and more people onto less and less space. The remaining roads and the lands they access will suffer the expanded demand.

The segment of our populations that is expected to grow the most is our elderly. As the baby boomer age into their 60s and 70s they will comprise the largest and wealthiest elderly population in our nation's history. With age comes disabilities. Thus, at a time when our forest should be providing roads so that our elderly, handicapped, and disabled citizens can enjoy the beauty and other resources of our forests, this proposal helps ensure that this need will not be met. Congress specifically enacted into law the American with Disabilities Act to ensure that federal facilities and services would be available to those with disabilities, whether from age, other natural phenomena, or accidents. There are those in Congress and their constituents who have noted that the proposal does not support the intent of the American with Disabilities Act and inhibits the abilities of the elderly, and disabled to enjoy our national forests at the very time when the need for these forests to be available is the greatest. This same need applies to families with young children. Wilderness areas

These comments defer to and are subordinate to the State Position

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serve those who are hale and hearty. National forests serve an entirely different purpose, as noted earlier. This proposal now makes it difficult if not impossible for these people with special needs to enjoy 27 percent of our forest lands. With the inclusion of the 22 percent of FS lands that are designated wilderness, nearly 50 percent of all FS lands can not be easily enjoyed by these people with special interests. That purpose is not included in the NFMA

It's important to note that the proposal is not the result of a change in law. It's not the result of a change in congressional intent. It's not a change reacting to a sudden crisis in our environment. In fact, no crisis has been documented. The FS repeatedly states that their proposed revision reflects changes in public opinion, demand, and use of National Forest resources. However, there is no corroborating evidence or proof stated of changes in public opinion. But the statistics stated by the FS, as cited above, about driving for pleasure and the growth in recreational forest road use are scientific proof of the public's demand for more roads, not less.

However, a crisis exists – a crisis of forest health that calls for more roads, not less. FS officials say there is evidence of an overwhelming crisis to forest health of fallen timber, diseased wood, and lack of thinning. FS officials rightfully complain about stands of timber under attack from insects and disease. They acknowledge the danger of wild fire that can feed on the fuel of diseased and fallen trees that have not been cleared. The recent Los Alamos destruction of civilian homes and thousands of acres of forest stands as damning evidence of the fuel load of uncleared timber that fed the catastrophic fire. Forest health demands active logging management and the continued clearing of aging, fallen, and diseased trees, and the roads necessary to support those activities.

Current uses of the National Forests can be altered as a result of this proposed rule. With significant increases in roadless areas comes changes in the emphasized uses of those areas and the future use of those areas. Timbering, mineral exploration, livestock grazing, recreational opportunities, and other uses will be altered accordingly. But these decisions should be made, in accordance to law, on a forest-by-forest basis, through the planning process for each forest. The management of each forest should meet the demands, circumstances, needs, habitat, and uses that are peculiar to each forest. The needs for travel, recreation, and other multiple uses differ dramatically from forest to forest across our nation. The road policies of each forest should reflect the peculiarities of each forest. Under this top-down, one-size-fits-all proposal, all forest plans will be subordinate to this overriding policy. Individual forest plans will have to first reflect the overriding road management rule before they can reflect the overriding needs of the particular forest. Ecosystems, species, habitat, and uses vary dramatically among national forests across our nation. Those individual needs should not be suppressed by federal top-down management roadless policies. Nor should the years of research and experience common to that national forest be ignored or subjugated to irrelevance. But that is what is proposed. According to the proposal rule, forest plans will be rewritten, as needed, to ensure they reflect the new road management policy.

Many of our constituents have expressed fears that the proposal will lead to defacto wilderness. The creation of large expanses of roadless areas, as proposed, in fact creates defacto wilderness areas. However, according to law, wilderness areas fall under the purview of Congress, not the

These comments defer to and are subordinate to the State Position

administration. We also understand the Wyoming wilderness Act currently prohibits creation of additional wilderness areas, defacto or otherwise. Thus, this proposal appears to be in violation of that act.

We are also concerned about the allegations by Congress and others of violations of the Federal Advisory Committee Act and the Administrative Procedures Act that occurred during the formation of this proposal. Congressional committees have studied the funding by non-profit charitable organizations of environmental groups, whose efforts influenced this administrative proposal. As an example, Pew trusts gave \$3.5 million to the National Audubon Society for the Heritage Forest Campaign to influence the FS roadless proposal. Other interests and the general public were not offered the same opportunity to be involved in the forming of this proposal. This appears to be a violation of FACA and APA.

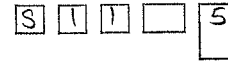
We appreciate the opportunity to comment.

Sincerely,

Ron Micheli
for Ron Micheli
Director

These comments defer to and are subordinate to the State Position

15891



Wyoming State Forestry Division

1100 W. 22ND STREET
CHEYENNE, WY 82002

PHONE: (307) 777-7586
FAX: (307) 637-8726

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1 W
122 W. 25th Street
Cheyenne WY. 82002

June 26, 2000

CAFT RECEIVED
JUL 17 2000

SUBJECT: Roadless Area Conservation
STATE IDENTIFIER NO: 99-139

The proposed action removes the ability for local forest officials to apply the site specific alternatives which most closely fits the needs of that particular forest. Imposing a national "one-size-fits-all" solution is inappropriate. Some revised forest plans have already addressed roadless areas which this proposal will undermine or contradict. This proposal will negate the extensive work and NEPA processes previously completed during plan revisions.

The Forest Service has not presented a reasonable range of options or alternatives in the DEIS. This DEIS does not objectively analyze the impacts of the Roadless Area Conservation proposal on local forest conditions, communities, or economies.

The cumulative impacts of the roadless proposal in conjunction with other major national initiatives i.e: forest planning regulations, the transportation rules, and strategic plan are not adequately evaluated. These additional initiatives all have an bearing on management of forest lands including roadless. All roadless issues should be addressed in a single EIS rather than in a series of disconnected actions as is currently being done. The ability to judge the effects of the proposed actions is seriously muted by the inability to examine all of the effects at one setting.

The roadless proposal bypasses Congress by creating "de facto wilderness" by prohibiting road building and reconstruction. There are specific laws that allow multiple use of public lands unless specifically designated as wilderness by Congressional action. All areas included in this proposal were determined to not be wilderness quality and were specifically excluded from wilderness designation. The 1984 Wyoming Wilderness Act specifically stated that these lands were released to multiple use and their status should be reviewed during the next forest plan revision.

The economic impacts of the proposal have not been adequately addressed. The authors assumed that both mining and logging are on the decline; therefore, economic impacts to rural communities will not be significant. This is not true in Wyoming. Recent closures of two sawmills that have existed since the turn of the century in Wyoming communities which are heavily dependant on lumber businesses has had a significant economic ripple effect.

15890

The continued strong US economy, American trends of increased size of the average house, and higher per capita consumption of non lumber wood products has resulted in higher prices for forest products. In light of already low levels of harvest from federal forest lands this demand has shifted harvesting operations to private lands and to other countries. Forest product harvest from other countries and some non-federal forested lands often lack the management standard applied on public lands. This impact should be evaluated and addressed in the FEIS.

The inability to access areas in a timely manner for insect, disease, or fire suppression will result in large disturbances that may not be able to be contained within the roadless areas. The resulting damage to non-federal property will create liability issue for the federal government and is unacceptable.

Roadless area management means increased fuel loading problems. High fuel loads already plague many of the forested areas proposed for roadless and will only get worse with time without treatment. Many of these roadless areas are found at lower elevations, which are warmer, drier, and more prone to wildfire. Large catastrophic fires will result along with the attendant water quality problems, similar to those that occurred in Yellowstone in 1988. The resulting water quality issues from the Yellowstone fires continue to affect use and quality of the surrounding National Forest lands today.

While restricted access reduces the chance of human cause fire starts the probability of fire reaching unmanageable size before intervention is also much greater. These fires also have greater increased control costs. The ability to use prescribed fire is more difficult in roadless areas and the associated costs are also greater. Roads are used both for access and as control lines.

These are major concerns for western forests which should be considered in the Roadless Area Conservation Plan FEIS.

Sincerely,

Thomas W. Ostermann,
State Forester



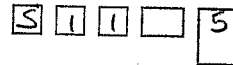
State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002
(307) 777-7354 FAX (307) 777-5451
seoleg@state.wy.us

15889

JIM GERINGER
GOVERNOR

RICHARD G. STOCKDALE
ACTING STATE ENGINEER



June 23, 2000

NOT RECEIVED

Office of Federal Land Policy
Herschler Building, 1W
Cheyenne, WY 82002

JUL 17 2000

RE: Forest Service Roadless Area Conservation (Draft EIS). (State ID No. 99-139)

Dear Sir:

We still have the same concerns and comments that we outlined in our letter of November 30, 1999 (attached). The maps provided in the document lack sufficient detail to be of help determining what specific roads and areas are affected. They acknowledge access problems for non-recreation special uses and say economic effects will be minimal but go on to say that access will most likely be at higher cost than if road construction were allowed to occur. If they have addressed our concerns about modification to the hydrologic system we have not yet found out where due to the limited time we have had to review the document.

Please contact me at (307) 777-6153 if further information or comment is needed.

Sincerely,

David S. Benner

DAVID S. BENNER
Safety of Dams Engineer

DSB/db

Surface Water

Ground Water

Board of Control;

Roadless Area Conservation

Volume 4 - Letters from
Agencies and Elected Officials



State Engineer's Office

Herschler Building, 4-E Cheyenne, Wyoming 82002
 (307) 777-7354 FAX (307) 777-5451
 seoleg@missc.state.wy.us

November 30, 1999

15889

JIM GERINGER
 GOVERNOR

GORDON W. FASSETT
 STATE ENGINEER

November 30, 1999
 2

15889

Office of Federal Land Policy
 Herschler Building, 1W
 Cheyenne, Wyoming 82002

Re: State Identifier No: 99-139
 Forest Service Roadless Area EIS

Dear Sir:

After reviewing the information from the Federal Register, this agency would offer the following comments and observations. We would like to request that a map of the proposed area be provided.

- 1) There is a network of "Snowtel" facilities operated by NRCS that monitor and track the snow levels and the associated moisture content which are used to develop runoff forecasts each spring. These facilities are often operated jointly by cooperating state and local entities together with the federal government. The Snowtel information is relied upon by a wide variety of government and private enterprises to estimate the amount of runoff water available for the upcoming irrigation season, and other important uses. We are concerned that the roadless area proposal may impact operation, maintenance, and installation of the Snowtel sites. These sites need to continue to be accessed for maintenance and ground proofing of the moisture content computations. Since winter access is often by snowmobile, will this proposal restrict access to these sites? Similarly, will the proposed roadless area protections be treated similar to a wilderness area, by restricting access by motorized vehicle to accomplish routine repairs and maintenance?
- 2) There are a number of water rights that have been issued that allow direct diversion, trans-basin diversion, or storage within National Forest lands in Wyoming. If these facilities fall within a roadless area, the State Engineer's office staff and the owner must be allowed access to the facility for

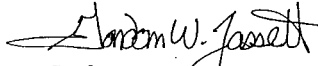
regulation, operation, and maintenance. Will this proposal restrict the types of equipment that can be used for the operation and maintenance of these ditches, diversions, or storage facilities? Access to these water facilities should not be changed or effected in any way, as a result of this proposal.

- 3) Any EIS of a proposed designation of a roadless area must evaluate the potential change in land management conditions which may cause modification of the hydrologic system. Can we expect the same amount of runoff from the forest lands as has historically occurred?

As Wyoming may have significant acreage and facilities where these new rules would apply, another opportunity for public comment should be pursued by the Forest Service when more detailed information is available. This office will be available for further review and comments as necessary.

Please contact me at (307)777-6150 if further information or comment is needed.

With best regards,


 Gordon W. Fassett
 State Engineer

GWF/cic



WYOMING STATE GEOLOGICAL SURVEY
P.O. BOX 3008 • LARAMIE, WYOMING 82071-3008
307/766-2286 • FAX 307/766-2605
E-MAIL: wsgs@wsgs.uwyo.edu • WEB: www.wsgsweb.uwyo.edu

15888
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STATE GEOLOGIST - Lance Cook

Table with 6 columns: SECTION HEADS, COAL, GEOLOGIC HAZARDS, GEOLOGIC MAPPING, INDUSTRIAL MINERALS AND URANIUM, METALS AND PRECIOUS STONES, OIL AND GAS, PUBLICATIONS. Each column lists a name.

Form with boxes containing numbers 3, 1, 2, 5

June 17, 2000

MEMORANDUM

TO: Art Reese, Director, Office of Federal Land Policy

FROM: Lance Cook, P.G., State Geologist

SUBJECT: Roadless Area Conservation DEIS
(State Identifier #99-139)

CAFT RECEIVED
JUN 17 2000

These comments regarding the Roadless Area Conservation DEIS are specific to this agency's statutory mission within State government, which is to promote the beneficial and environmentally sound use the State's resources while helping to protect the public from geologic hazards. In that regard these comments are meant to assist in defining the State position, in association with all other agency comments. These comments defer to and are subordinate to the State position

Consideration of our previous comments regarding this proposed action is not evident or apparent in the DEIS. Consequently, our concerns have not been adequately addressed in the DEIS. This proposed action has not been subjected to the same exhaustive review and analysis that much smaller decisions are subjected to, which sometimes require 3 years or more to complete. In our previous comments, we pointed out that in our professional and statutory judgement as earth scientists and natural resource experts, we believe it is imperative that the following issues must be analyzed and sufficiently addressed:

- A comprehensive mineral resource inventory of all areas considered for closure, including industrial and hard minerals, as well as oil and gas resources and coal resources.
-A detailed socio-economic impact for all nearby communities detailing the effects of the loss of beneficial economic development from the affected lands.
-A detailed analysis of the paleontological resources that are present in the areas proposed for closure.
-A detailed analysis of geologic hazard mitigation opportunities that will be lost as a result of this proposed action.

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-A rigorous economic analysis of the net value of economic development of mineral resources versus the net economic value of closure for State revenue purposes.

-A thorough review and analysis of the impacts (positive and negative) on watersheds and aquifers resulting from the proposed action.

-A thorough analysis of the impact on recreation in forest lands as a result of lost access opportunities for the majority of Americans and the resulting concentration of use forced upon presently accessible lands.

It appears that the geological analysis associated with this action, which will have an, as yet to be analyzed economic effect on the State of Wyoming, is both superficial and inadequate. Due to the extremely large area of coverage (continental scale) of this document, it must cover areas of tremendous diversity and differences. To lump natural resource issues in Wyoming with the same issues in Arizona or Alabama necessarily results in a diluted and superficial analysis, which by its very nature is less accurate and detailed. As a result, we cannot have a sufficient understanding of specific issues for any area.

Banning development activities in all roadless areas greater than 1,000 acres will have a yet to be determined impact on the citizens of Wyoming, the businesses that operate in our state and the recreational opportunities that we enjoy. We are unable to offer specific comments on the technical aspects of this document because technical analysis is absent. Additionally, the maps supplied with this document are insufficient to allow us to comment on specific locations. The maps are also misleading in that the indicated roadless areas include only new roadless areas and do not indicate areas already classified as roadless, such as wilderness areas. On p. S-2, wilderness areas look like areas of the forest not considered roadless, which we also consider misleading.

For Locatable Minerals, the document acknowledges that claims are allowed under these rules and access must be provided under the 1872 Mining law. However, the USFS administers this under 36 CFR 228(A), which results in development that can be severely restricted in roadless areas due to the increased environmental restrictions and costs imposed under this regulation. It is predictable that exploration and new claim location will be more costly and difficult due to access restrictions. Claim validity is determined on the basis of economic viability, and therefore can be denied under the premise that claim location in a roadless area and associated mitigation costs would be cost-prohibitive. Additionally, we note on P.144 - 147, claims for leaseable and salable minerals can be denied in roadless areas by administrative action. This includes most industrial minerals (dimensional and decorative stone included) and basic materials like aggregate.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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There are additional hazards-related discussions and updates needed in the document. The landslide risk map on page 3-37 of the Draft EIS is extremely outdated and inaccurate. Since 1982, the WSGS has mapped most landslides in Wyoming, and provided the results to National Forest Service Offices in the State. That initiative is not reflected on figure 3-15 (page 3-37). In addition, many of the mapped landslides in Wyoming have dammed or nearly dammed streams or rivers. There is a real potential for streams or rivers to be dammed in the future, creating a significant risk to public health and safety. In areas with significant seismic hazards, the risk is amplified. Road access should be provided and maintained to the high hazard areas to facilitate a timely response when needed. It is too late to consider road construction into an area after a 100-300 foot landslide dam has formed, and as a result, the downstream population is placed at risk. This is tied to Section 294.12 of the proposed rule (page A-27), which states that a road may be constructed or reconstructed if "A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event". These hazards are rarely recognized before catastrophic situations arise. Again, it would be nearly impossible to build a road into a newly formed landslide dam in a timely manner after the fact.

If there are questions on our comments, please direct them to the appropriate geologist on my staff or to me. Dan Hausel and Ray Harris can address mineral related comments, Jim Case handles geologic hazards and hydrology, Bob Lyman handles coal, Alan Ver Ploeg handles paleontological issues and Rod De Bruin handles oil and gas.



WYOMING STATE GEOLOGICAL SURVEY
 P.O. BOX 3008 • LARAMIE, WYOMING 82071-3008
 307/766-2286 • FAX 307/766-2605
 E-MAIL: wsgs@wsgs.uwyo.edu • WEB: www.wsgsweb.uwyo.edu
STATE GEOLOGIST - Lance Cook

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SECTION HEADS:	GEOLOGIC HAZARDS	GEOLOGIC MAPPING	INDUSTRIAL MINERALS AND URANIUM	METALS AND PRECIOUS STONES	OIL AND GAS	PUBLICATIONS
COAL Robert M. Lyman	James C. Case	Alan J. Ver Ploeg	Ray E. Harris	W. Dan Hausel	Rodney H. De Bruin	Richard W. Jones

June 17, 2000

MEMORANDUM**TO:** Art Reese, Director, Office of Federal Land Policy**FROM:** Lance Cook, P.G., State Geologist**SUBJECT:** Roadless Area Conservation Fed. Register Proposed Rules (State Identifier #99-139)

These comments regarding the Roadless Area Conservation proposed rules are specific to this agency's statutory mission within State government, which is to promote the beneficial and environmentally sound use of the State's resources while helping to protect the public from geologic hazards. In that regard these comments are meant to assist in defining the State position, in association with all other agency comments. These comments defer to and are subordinate to the State position.

Our review of the associated EIS leads us to the conclusion that the underlying analysis upon which these proposed rules are based is insufficient. The minerals and hazards analyses are too superficial for specific commentary.

We believe it is imperative that the following issues must be addressed in the underlying EIS:

- A comprehensive mineral resource inventory of all areas considered for closure, including industrial and hard minerals, as well as oil and gas resources and coal resources.
- A detailed socio-economic impact for all nearby communities detailing the effects of the loss of beneficial economic development from the affected lands.
- A detailed analysis of the paleontological resources that are present in the areas proposed for closure.
- A detailed analysis of geologic hazard mitigation opportunities that will be lost as a result of this proposed action.

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-A rigorous economic analysis of the net value of economic development of mineral resources versus the net economic value of closure for State revenue purposes.

-A thorough review and analysis of the impacts (positive and negative) on watersheds and aquifers resulting from the proposed action.

-A thorough analysis of the impact on recreation in forest lands as a result of lost access opportunities for the majority of Americans and the resulting concentration of use forced upon presently accessible lands.

Proposed rules based upon an inadequate EIS that does not include these components would have to be considered poorly conceived, and might be illegal.

The rules must be considered in light of the Regulatory Flexibility Act (5 USC 601 et seq. Under this law which guides broad planning principles and management of the Forest Service road system, this proposed rule must be shown to have no direct or indirect financial or other impact on small businesses. The Forest Service is required to certify that this action will not have a significant economic impact on a substantial number of small entities as defined by the Act. We would hasten to point out that these rules will negatively impact access to the Forest System, on a continental basis. In particular, our State depends upon recreation as well as resource extraction on Forest System lands, and we are a state of small businesses. Our economy in the Forest areas is composed of service-oriented businesses that lodge and equip forest users, as well as small businesses that depend on the payrolls provided by the extractive industries. We question whether this broad policy, which is designed to restrict access to the Forest Lands by recreational and industrial users, can be said to have no significant impact on many of the small businesses in our State.

Under the Federalism section in Executive Order 12612, the Forest Service must show that the proposed rule "will not have substantial direct effects on the States...". This appears to us to be impossible, since this proposed rule will be used to restrict access to the Forest Lands upon which part of Wyoming's economy depends. We believe that the Forest Service has drastically understated the impacts on Wyoming and our natural resource-based economy and that a further assessment of federalism implications is necessary before adoption of such broad rules on a national scale.

We are concerned that the geological analysis underlying these rules, which will have a profound effect on the State of Wyoming, is inadequate. Due to the extremely large area of coverage (continental scale) of this document, it must cover areas of tremendous diversity and differences. To lump natural resource issues in Wyoming with the same issues in

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Arizona or Alabama necessarily results in a superficial analysis, which cannot be accurate and detailed. As a result, we cannot have a sufficient understanding of specific issues for any area.

There are additional hazards-related discussions and updates needed in the document. Many of the mapped landslides in Wyoming have dammed or nearly dammed streams or rivers. There is a real potential for streams or rivers to be dammed in the future, creating a significant risk to public health and safety. In areas with significant seismic hazards, the risk is amplified. Road access should be provided and maintained to the high hazard areas to facilitate a timely response when needed. It is too late to consider road construction into an area after a 100-300 foot landslide dam has formed, and as a result, the downstream population is placed at risk. This is tied to Section 294.12 of the proposed rule (page A-27), which states that a road may be constructed or reconstructed if "A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event". These hazards are rarely recognized before catastrophic situations arise. Again, it would be nearly impossible to build a road into a newly formed landslide dam in a timely manner to mitigate a landslide after the fact. This proposed rule puts the public at increased risk.

If there are questions on our comments, please direct them to the appropriate geologist on my staff or to me. Dan Hausel and Ray Harris can address mineral related comments, Jim Case handles geologic hazards and hydrology, Bob Lyman handles coal, Alan Ver Ploeg handles paleontological issues and Rod De Bruin handles oil and gas.

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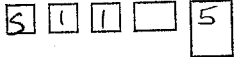
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DEPARTMENT OF STATE PARKS & CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE

Barrett Building
2301 Central Ave.
Cheyenne, WY 82002

(307) 777-7697
FAX (307) 777-6421



CAFT RECEIVED
JUL 17 2000

June 22, 2000

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

RE: Roadless Area Conservation Draft Environmental Impact Statement (State Identifier Number: 99-139); SHPO #1199RLC021

Dear Mr. Reese:

These comments regarding the aforementioned project have been approved by the Director of the Department of State Parks and Cultural Resources and are specific to this agency's statutory mission within State Government, which is the protection of the State of Wyoming's cultural heritage. In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.

Prohibition Alternatives

The preferred prohibition alternative, Alternative 2, would generally serve to protect cultural resources. However, as pointed out in the DEIS, implementation of this alternative may result in a loss of access to historic properties. This loss of access could result in deterioration of these properties. In accordance with the National Historic Preservation Act (NHPA) regulations, 36 CFR Part 800.5(a)(2)(vi), the inability to access these properties for proper maintenance could result in an adverse effect to significant cultural resources. As also stated in the DEIS, public interpretation of these resources could be hindered. Access to these resources, particularly for the disabled public, could become problematic.

Additionally, it is known that many non-system roads within lands managed by the U.S.D.I. Forest Service (USFS) are historic properties in and of themselves. Allowing these historic roads to deteriorate and/or reclamation of historic roads may also constitute an adverse effect.

Mr. Art Reese
June 22, 2000
Page 2

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The DEIS further states that under the no action alternative, Alternative A, that additional sites may be located and evaluated as part of project related activities. We agree. However, we wish to remind the USFS that it has further responsibilities to locate and evaluate cultural resources under Section 110 of the National Historic Preservation Act. We encourage the USFS to provide sufficient funding to its field archaeologists to comply with Section 110 of the NHPA so that the location, recordation, evaluation, preservation, and interpretation of these resources is not dependant upon project driven funding.

Procedural Alternatives

Regardless of which alternative the USFS chooses implement, the USFS must comply with the National Historic Preservation Act. Due to past insufficient funding for compliance with Section 110 of the NHPA, and minimal project driven activities within the areas proposed, very little specific information concerning the cultural resources within these areas exists. Therefore, to be in compliance with Section 106 of the NHPA, the USFS must, prior to implementation of any undertaking under the roadless initiative, identify historic properties which may be potentially affected, assess effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. Provisions must also be made to allow for meaningful consultation with interested parties and Native Americans.

Please refer to SHPO project control number #1199RLC021 on any future correspondence dealing with this project. If you have any questions, contact Judy Wolf at 307-777-6311.

Sincerely,

Wendy & Bredehoff
Wendy Bredehoff
State Historic Preservation Officer

These comments are reflective of a specific agency mission only.
These comments defer to and are subordinate to the Official State Position.

Jim Geringer, Governor



John T. Keck, Director

WYOMING
GAME AND FISH DEPARTMENT

Jim Geringer, Governor John Baughman, Quasar



"Conserving Wildlife — Serving People"

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JUL 17 2000

June 23, 2000

WER 9567
Forest Service
Draft Environmental Impact Statement
Forest Service Roadless Area Conservation
State Identifier Number: 99-139

S U I [] S

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

Dear Mr. Reese:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Forest Service Roadless Area Conservation. We offer the following comments.

We previously submitted scoping comments for this process in a letter dated December 6, 1999. Those comments have been generally addressed in the DEIS.

The Department has consistently expressed concerns regarding direct, indirect, and cumulative effects of timber sales and road networks on wildlife populations and habitats, biodiversity, and wildlife-related recreation. Our concerns regularly center on habitat fragmentation, movement corridors between habitats, retention of interior forest, retention of late successional forest, and loss of hiding, thermal, and security cover. The DEIS appears to adequately recognize these road-related impacts.

The huge increase in popularity of off-road vehicles and their improved mechanical ability to reach more remote wildlife habitats have greatly exacerbated the negative effects of vehicles on wildlife. Management of existing roadless areas should include disclosure of the benefits of limiting the number of areas that would not be available to these vehicles.

The analyses and literature review in the DEIS found that continuation of the existing policy (Alternative 1, no action) detrimentally affects pine martens (p. 3-56,3-70), mountain lions (p. 3-70), black bears (p. 1-1, 3-70, 3-72), mule deer (p. 3-72), pronghorn (p. 3-73), moose (p. 1-1), bighorn sheep (p. 1-1, 3-70, 3-73), elk (p. 1-1, 3-70, 3-72), bald eagles, golden eagles and sandhill cranes (p. 3-71), neotropical migrant birds (p. 3-70), cavity dependent birds and mammals (p. 3-73), reptiles (p. 3-73), and small mammals (p. 3-73), to name a few. Reduction

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
Fax: (307) 777-4610 Web Site: <http://gf.state.wy.us>

Art Reese
June 23, 2000
Page 2 – WER 9567

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in habitat quality for these species not only means loss of species diversity, but also negatively affects the state economy. According to the most recent *National Survey of Fishing, Hunting, and Wildlife Associated Recreation* survey (U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of Economic Analysis, 1996), the total value of hunting, fishing, and nonconsumptive wildlife recreation has an economic benefit of over \$785 million per year to Wyoming (conservative estimate). Because of their disproportionate public use, national forest lands provide much of this benefit to the state. In Wyoming, roadless areas provide unique hunting, fishing, and wildlife viewing opportunities which hunters, anglers, and nonconsumptive recreationists are increasingly seeking.

In the Draft EIS (page 3-69), the Forest Service states, "These (roadless) lands provide large, relatively undisturbed blocks of important habitat for terrestrial animal species and communities. In addition to supplying or influencing habitat for close to 300 threatened, endangered, proposed, and sensitive terrestrial species, these areas support numerous other game and nongame vertebrate and invertebrate species". Roadless areas in Wyoming definitely provide habitat for some of the "at risk" species while providing some of the best habitats for other game and nongame species. Maintaining high quality wildlife habitat results in healthy, robust wildlife populations. Under the existing policy, negative effects to wildlife including habitat loss, isolation of small populations, lack of genetic mixing, competition from non-natives, physiological, social, and behavioral stress, reduced productivity, and poaching as documented in the DEIS would continue and increase. With the current and expected future emphasis on biodiversity issues, including federal listing actions, the effects of habitat changes directly or indirectly attributed to roads on Forest Service lands will need to continue to be emphasized.

Thank you for the opportunity to comment.

Sincerely,

JOHN BAUGHMAN
DIRECTOR

JB:TC:as

PK1 10:54 FAX 307 777 4877

WGFH HABITAT PROTECTION --- FLPD

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WYOMING
GAME AND FISH DEPARTMENT

Jim Geringer, Governor John Baughman, Governor



"Conserving Wildlife—Serving People"

June 23, 2000

WER 9567.01
Forest Service
Federal Register – Proposed Rule
Roadless Area Conservation
State Identifier Number: 99-139

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

Dear Mr. Reese:

The staff of the Wyoming Game and Fish Department has reviewed the Federal Register Notice, proposed rule for Roadless Area Conservation. We offer the following comments.

Future direction under the proposed rule would emphasize better management of needed roads and removal of unnecessary roads. Improving the condition of roads required to meet the needs of the forest transportation system, as well as decommissioning unnecessary roads, are both positive outcomes, assuming there are adequate considerations of local needs and issues. In general, the prohibition of new road construction and reconstruction in current roadless areas would benefit wildlife species. The proposed rule appears to allow adequate flexibility in local (forest-level) management plans to accomplish the goals of multiple use through forest planning, as defined in the National Forest Management Act and emphasizes local input in determining that management. This continues to allow for state natural resource agencies to jointly manage resources with the Forest Service.

Thank you for the opportunity to comment.

Sincerely,

JOHN BAUGHMAN
DIRECTOR

JB:TC:as



THE STATE OF WYOMING

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Jim Geringer, Governor
Sleeter Dover, Esq., Director

Department of Transportation

5300 BISHOP BOULEVARD CHEYENNE, WYOMING 82009-3340

July 11, 2000

Mr. Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
Cheyenne, WY 82002-0600

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JUL 17 2000

RE: Comments Regarding the Roadless Area Conservation DEIS by the U.S. Forest Service / 99-139

Dear Mr. Reese:

WYDOT is thankful for the opportunity to provide comments on this new national plan for the management of roads on Forest Service land. After review of the maps on pages 214 through 221 in Volume 2 of the DEIS, it became extremely evident that several US Highways and State Highways intersect the areas designated that will not permit road construction or reconstruction. A very rough summary was prepared to understand the potential effect on these highways. This summary is attached to this letter. This summary reflects the potential of 260 miles of roadway that is presently being managed by WYDOT could be affected from this proposal.

WYDOT attended the public meeting. Representatives from the Planning Branch of the Forest Service reassured DOT officials that this proposal would not interfere with WYDOT's management of these roadways. However, this was never clarified in the DEIS and as such potential impacts to the State's Highways are unknown.

Over the last couple of decades, WYDOT has experienced a growing difficulty of maintaining and reconstructing its roadway system through these areas. It appears that there has been a general change of Forest Service philosophy from conservation (a wise use of resources) to preservation (no use of resources). Trends of this nature are a concern of WYDOT.

Another area of concern is noted on page 3-172 in Volume 1 of the DEIS. It is located in the first sentence of the third paragraph. It states, "the road prohibition will limit roaded recreation access to inventoried roadless areas, which may cause increased congestion in existing roaded areas of the forest." It is a known fact that congestion leads to the cause of multiple car accidents. And in areas of extreme terrain, congestion becomes more of a problem due to the increased distribution of operating speeds of vehicles. Loaded 18 wheel trucks and motor homes have trouble negotiating the steep grades in areas of extreme terrain. This leads to congestion because, cars will become trapped

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behind these slower types of vehicles. Drivers of the faster cars will become frustrated and will attempt to pass the slower vehicles in limited areas of safe sight distance. Poor decisions will lead to head on collisions with vehicles in the opposing lanes. These types of collisions will normally result in fatalities. It is necessary that WYDOT is able to execute their mission without any further restrictions in these areas. WYDOT will need the latitude to expand the present roadways where needed. Expansion will be needed to reduce congestion. An example of expansion may include the addition of truck climbing lanes in areas of steep grades. Passing lanes is another example that may be implemented in areas of restricted sight distance. People's quality of life will be reduced if WYDOT is restricted in the execution of their mission.

Wildlife populations should increase from this proposal and it is possible the human's populations will be more concentrated in linear locations along the established highways. It is possible then that there will be an increase in vehicle/animal collisions which is a human safety issue that was never addressed or analyzed in the DEIS.

WYDOT has no real concern regarding the Forest Service's management of its own roadway system as long as it did not impede upon the execution of WYDOT's mission and reduce the quality of the roadway system under the jurisdiction of WYDOT.

Respectfully submitted,
Sleeter C. Dover, Esq.
Director

Timothy L. Stark

By
Timothy L. Stark, P.E.
Environmental Services Engineer
WYDOT



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JIM GERINGER
GOVERNOR

Veterans' Affairs Commission

Wyoming Veterans' Affairs Office
Wyoming Army National Guard Armory, Room 101
5905 CY Avenue Casper, Wyoming 82604
Tel. (307) 265-7372 Fax (307) 265-7392

29 June 2000

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JUL 10 2000

CHAIRMAN:
R. STANLEY LOWE
97 PRIMROSE
CASPER, WY 82601
(307) 265-7372

SECRETARY:
TODD E. WHITE
P.O. BOX 832
WORLAND, WY 82401
(307) 568-3416

MEMBERS:
TED T. ADKINS
P.O. BOX 218
MTN. VIEW, WY 82939
(307) 782-6187

JOHN H. BRAHANEY
P.O. BOX 485
GLENROCK, WY 82637
(307) 436-8323

ERNEST E. FENDER
847 SOUTH LINCOLN ST.
CASPER, WY 82601
(307) 265-9246

CHARLES E. FRESORGER
P.O. BOX 213
GILLETTE, WY 82717
(307) 692-4343

BARRY D. GASDEK
1969 JEFFERSON STREET
LARAMIE, WY 82070
(307) 745-6030

ROBERT I. PALMER, SR.
4302 RIDGE ROAD
CHEYENNE, WY 82001-1787
(307) 638-6809

J.W. "JIM" RAY
609 EAST SPRUCE ST.
RIVERTON, WY 82501
(307) 856-5284

HANK RULAND
P.O. BOX 701
PINEDALE, WY 82941
(307) 367-6593

JOHN "SUNDOWN" TAFFNER
274 NORTH BURRITT
BUFFALO, WY 82834
(307) 694-7945

WILLIAM A. THOMPSON
2021 REAGAN STREET
ROCK SPRINGS, WY 82901
(307) 382-5166

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, UT 84122:

The Wyoming Veterans' Affairs Commission (Commission) thanks the U. S. Forest Service (FS) for giving it this opportunity to comment upon the proposed rulemaking that would impair veterans' beneficial use of public lands mischaracterized by FS as "Roadless Areas" consisting of over 54 million acres, or 28% of National Forest System lands. This shockingly large figure is that of the FS found on p. S-1 of the Summary in the Draft Environmental Impact Statement (EIS). 3.218 million acres are in Wyoming. That is 34.8% of the forested lands in the state, more than a third.

The Commission's position is to **OPPOSE COMPLETELY AND UNEQUIVOCALLY THIS PROPOSED RULEMAKING**. In all instances that the EIS proposes prohibitions and procedures, it strongly endorses the "NO ACTION; NO PROHIBITIONS" and the "NO ACTION; NO PROCEDURES" alternatives.

The Commission is a state agency created by act of the Wyoming Legislature approved in 1975. Among the duties and responsibilities placed upon the Commission by the Legislature were:

- (i) Study all federal and state legislation affecting veterans, their spouses, dependents and beneficiaries;
- (ii) Establish liaison with agencies dealing with veteran's affairs. . . ." (W. S. §19-14-107 [c])

The veteran population of Wyoming is approximately 50,000 which, when supplemented with spousal population, is tantamount to almost one-

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third of the adult population of the state. Since only a minority of veterans belongs to national veterans' organizations, the Commission is the recognized spokesman for all of Wyoming's veterans and spouses, speaking for almost 100,000 citizens of this state.

Veterans vigorously oppose this proposed rulemaking and the anti-public interest goals sought by it for many reasons, chief among which are:

I.

WE OPPOSE ANY AND ALL RESTRICTIONS ON ACCESS TO PUBLIC LANDS BY AGING AND PHYSICALLY IMPAIRED VETERANS.

Veterans fought to protect and defend the United States, consisting of private and public lands, and many of their comrades-at-arms gave their lives for this great land we call America. Their service to our nation protected our public lands from being taken over by our nation's enemies. We are talking about the Nazis and Japanese Imperialists in WW II and the Soviet Union and its minions who wanted to expand communism worldwide but were curbed in Berlin, Korea and Vietnam, as well as other confrontations in Europe and elsewhere, during the Cold War. Had either the Germans, Japanese or communists been victorious over us, the disastrous consequences to our public lands -- ripping them up for our resources to fuel the economies of those gluttonous, insatiable regimes -- are too horrible to contemplate.

Veterans, therefore, cannot approve nor condone any efforts like the Administration is proposing that would directly or indirectly exclude aging and disabled veterans from full and unrestricted use and enjoyment of all public lands. FS's question and answer sheets handed out at recent FS public meetings are misleading in saying the proposed rule "should not" ban off road vehicles from roadless areas. Those of us who went through Rare II about 20 years ago heard that line from the FS before. Afterwards, lands included in this roadless proposal, which were supposed to be released, were locked up by logs or chains across existing roads. To borrow an old saying, "Fool me once, shame on you; fool me twice, shame on me."

Other FS statements make it clear no new roads would be opened to expand access into forested lands for more use and enjoyment. Automobiles, particularly four-wheeled vehicles, are the only means of access most disabled or aging veterans have. Use of roads, therefore, is essential.

II

GOVERNMENT REGULATORY SCHEMES MUST NOT IMPAIR VETERANS EMPLOYMENT OPPORTUNITIES AND THEIR RIGHT TO CHOOSE THE PLACES THEY PREFER TO LIVE.

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Veterans, like everyone else, must work to support themselves and their families. Any government regulatory program that interferes with or shuts down established industries, businesses and other sources of veteran employment is contrary to the interests of working veterans. Moreover, government public land programs that shut down job-creating industries, force veterans and their families to move and deny them their preferred lifestyle is absolutely contrary to the interests of working veterans. Management of government public lands must be done in such a way as not to deprive veterans of their livelihood nor their choice of a place to live. Moreover, working veterans too have a right to enjoy use of the public lands for which they fought to protect and defend.

III

ANY GOVERNMENT ACTION LIKE THIS PROPOSED ROADLESS PLAN, WHICH WOULD FORCEFULLY BREAK-UP VETERANS' FAMILIES, CANNOT BE TOLERATED.

Past government policies in this region of the United States have shut down job-creating industries and businesses making it impossible for the children of veterans' families to find employment locally. As a result, it has become impossible for veterans' families to live in the same locale because their children have been forced to scatter all over the country to find work. This proposed government roadless land scheme is another one that would enormously compound and multiply this problem, thereby reducing even further the cohesiveness of the families of our veterans.

Local taxes paid by veterans and other citizens have educated the children of these families, but now they must go elsewhere to get employment due to excessive governmental policies like this one being proposed by the Administration. While it is true that Americans are more mobile now than they were 50 years ago, choosing to move for career advancement or health reasons is understandable, but being forced to move due to government policies that stifle job opportunities is impermissibly invasive of personal liberties. This can no longer be tolerated in a free society and must be stopped now.

SUMMARY

For all of the foregoing reasons, the veterans of Wyoming and their spouses strongly oppose this ill-conceived roadless land scheme and demand that it be immediately and completely abandoned. If any adjustment of existing usage of public lands is needed, it can be handled locally through procedures already available and with the participation of local veterans and

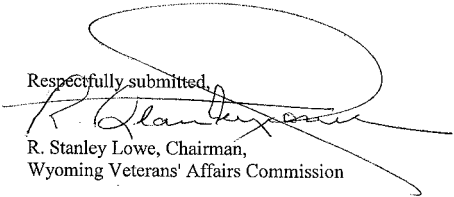
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other concerned citizens in the decision-making process. All roads, whether on public lands or otherwise, must be constructed and maintained to meet the traveling, working and recreational needs of those living in the area they serve. Roads in FS administered lands are no exception. The public -- veterans and everyone else -- has a public vested interest in the public lands that must not, indeed cannot, be impaired as is being proposed in this rulemaking -- not in America that still is free, thanks to our veterans.

We want the position of our veterans to be clearly understood and appreciated. All they ask is that the FS and others in government remember what they did to protect and maintain the ownership by the American public of these public lands. Their primary interest is to see these public lands are once again beneficially used by and for all Americans to help build the national economy under sensible environmental policies. A sound government policy of this sort will bring back good-paying job opportunities for veterans, let them live where they choose and keep their families from being forced to move elsewhere.

If you would like a further clarification or expansion of any of the points raised in this comment letter, feel free to request it, and we will be pleased to respond immediately.

Respectfully submitted,

R. Stanley Lowe, Chairman,
Wyoming Veterans' Affairs Commission

- c: Governor Jim Geringer
- Legislature Leadership
- Congressional Delegation
- State Veterans' Affairs Department Directors
- Veterans Service Organizations
- Commissioners



 President's Roadless Initiative

 National Forest System

Comments by
Pat Childers
Wyoming State Representative

June 28, 2000

CAET RECEIVED
JUL 05 2000

13849

Gentlemen,

I appreciate the opportunity to comment on this important issue concerning the President's Roadless Initiative for the National Forest System. I am Pat Childers, Wyoming State Representative, and a resident of rural Park County, Wyoming. Copies of my comments as well as attached supporting information are submitted for the record.

As an individual who has, for several years, followed the NEPA process, both with the Bureau of Land Management and U.S. Forest Service, I have developed a knowledge of the process and strongly support the procedures with NEPA or the National Environmental Policy Act. NEPA, in my opinion, properly provides a "public process" to allow the federal agencies to make an "informed" decision about federal actions for the citizens of the United States.

I am, however, very disturbed about what appears to be the manner in which the Roadless Initiative has been handled at the highest levels of government, i.e., staff directly under President Clinton. My supporting information for this statement is a preliminary Staff Report of the Subcommittee on Forests and Forest Health of the House of Representatives Committee on Resources and is included with my comments. While this subcommittee of Congress has not completed their investigation, I believe that it is important that I comment on the report for the record in this NEPA process.

As noted in the report and I quote: (page 5, paragraph 4 - "... it appears that the White House, the Department of Agriculture, and the Forest Service violated various statutory standards in the development of their rule-making. In particular: 1. The Forest Service Violated the Federal Advisory Committee Act by Relying on Advice from an Unchartered Federal Advisory Committee. 2. The Forest Service Violated the Administrative Procedure Act Prohibition on Ex Parte Communications during the Development of its Roads Policy." end quote.

It is noted that, a few years ago, Secretary Babbitt formed a FACA, Federal Advisory Committee Act, committee (Green River Basin Advisory Committee) to address his concerns about possible violations of public process on gas development in Southwest Wyoming. It is ironic that Secretary Babbitt reports to an administration who appears to care less about proper public process. Incidentally, my concerns are not with the local Forest Service, who has been more than willing to work with State and local government as well as the local citizens.

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The Washington Office of the U.S. Forest Service has now released the Draft Environmental Impact Statement, EIS, for the Roadless issue as required by NEPA. The information in the Subcommittee's report indicates that the Forest Service had decided on the "Proposed Action" before scoping was even initiated on the EIS process. I believe that action is a violation of the CEQ, Council on Environmental Quality, guidelines for NEPA.

Many, many things about the process on this issue disturb me. But to summarize my concerns, I would remind the agency that NEPA has two compliance requirements. 1. Agencies must make informed decisions. 2. Agencies must make diligent efforts to involve the Public in their NEPA procedures. I believe that neither of those requirements has been met properly.

I, therefore, make a formal request that the agency stop this EIS process. The Roadless Initiative can be initiated again and evaluated properly by one of the following two methods to analyze any potential environmental impacts. 1. The U.S. Forest Service can start a "Roadless" evaluation through individual Forest Plan amendment EIS's. The agency is in the process of revising many of their Forest Plans in the United States utilizing the NEPA process. Individual State and local governments as well as local citizens would then be involved in the facts being gathered and better addresses the requirements of NEPA. 2. The U.S. Forest Service can establish a broad-based FACA Committee to address the violations of law noted under the current evaluation process. A FACA Committee could better address broad-based input into the process. I recommend the former method of individual Forest Plan amendments.

In either case, I believe that this formal request requires the Forest Service to reply in a timely manner. A Subcommittee of Congress has made serious allegations about the process developing the President's Roadless Initiative. Their investigation may take some time. As a representative of Wyoming citizens' who will be impacted by the proposed decisions in the Roadless issue, I believe that NEPA procedural requirements dictate that the Forest Service can address my concerns. I urge the agency to quickly respond to my request so that the State of Wyoming can further address the issue through the proper channels. I will be forwarding these comments to Governor Geringer's office and communicating with the office on the issue.

Thank you,

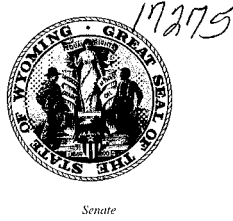
Pat Childers
Wyoming State Representative
House District 50, Park County
26 Equine Dr.
Cody, Wyoming 82414
307-587-5145

Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7881
<http://legisweb.state.wy.us>

SENATOR MIKE MASSIE
Senate District 9
Albany County
1209 "W" Hill Road
Laramie, Wyoming 82072

Committees:
Education
Labor, Health & Social Services



Senate

V I I I 5

July 12, 2000

USDA Forest Service – CAET
Attn: Roadless Area Conservation Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

RECEIVED
JUL 17 2000

To The Forest Service:

I write in support of the proposal to ban road building in the remaining roadless areas of our national forests. At least since the end of World War II, the management of our national forests has often been driven by the needs and wants of the extraction industries, particularly timbering, and at the expense of other important uses. As a result of this unbalanced policy, our populations of wildlife have diminished (some species to the point of extinction), some watersheds severely impaired and quality recreational experiences compromised.

With an increasing public demand that the management of our national forests be guided by consideration of their long-term biological health, a halt to further road building in roadless areas seems appropriate. It is time to assess what we have been doing to our forests for the past fifty years and determine what public benefits we want them to convey fifty years from now.

It is for this reason that the proposal to protect the remaining roadless areas should be the beginning of an important process and not a final decision about the disposition of these tracts. The Forest Service should follow-up this ban with an extensive study of each newly protected area to justify its roadless status. Until this analysis is performed, all logging, mining and other ground disturbing activities should not be permitted in them.

I am confident that such a study will document that most remaining roadless tracts outside of protected wilderness areas convey important public benefits, such as healthy and sustainable populations of wildlife, clean air, clean water, and certain forms of recreation. These studies should also produce a body of scientific information that will support maintaining certain areas as roadless, which is preferable to simply designating them as such based upon politics. Sections that do not convey significant benefits to society should not remain roadless.

I also hope that such a study will encourage the Forest Service to apply the same type of scientific scrutiny to the roaded areas that comprise a vast majority of our forests, both here in the nearby Medicine Bow National Forest and in other USFS administered lands around the

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country. Our forests are large enough to permit logging, grazing, oil and gas development, mining, motorized recreation and down-hill skiing, as well as quality hunting, camping, fishing, backpacking, and cross-country skiing. Our national forests are big enough for humans, cattle, sheep, and diverse species of plants and wildlife. The problem has been that traditionally, the management of our publicly owned forests has failed to balance these multiple demands, giving greater weight to extractive uses and thereby diminishing other resources and activities.

I understand that the Forest Service's and the Clinton Administration's roadless proposal is an attempt to restore some balance to the public use of the national forests. It is for this reason that I generally support it. However, I also perceive the proposal as another top-down decision that is guided more by politics than by a close scrutiny of each affected area. It is time to reduce the role of politics as the driving force behind Forest Service management. There should be no more "get-out-the-cut" initiatives or sweeping designations that affect entire areas of our forests nationwide. It should no longer be a matter of who occupies the White House or Congress but what management strategy will sustain the health of our forests for the long-term. It's time to invest our future in a more thoughtful approach.

A more considered, scientific strategy for managing our national forest lands will prove beneficial to most Western communities, where hunting, camping and outdoor recreation are just as historical and traditional as logging, grazing and mining. Healthy forests that sustain our wildlife will maintain a quality of life that we have come to expect as Westerners, and a truly balanced approach to the management of our National Forests may mitigate a boom and bust cycle that tears at the region's social fabric.

Sincerely,
Mike Massie
Mike Massie

Wyoming State Legislature

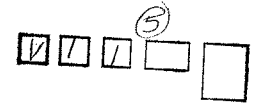
213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7881
<http://legisweb.state.wy.us>

REPRESENTATIVE JIM ROSE
House District 13
Albany County
911 Steele
Laramie, Wyoming 82070

Committees:
Education
Transportation and Highways



House of Representatives



9 July 2000

USDA Forest Service- CAET
Attn: Roadless Conservation Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

PART RECEIVED
JUL 12 2000

Dear USFS Chief Dombeck:

I am writing to express my strong support for the Roadless Area Initiative. I believe that this is a well-conceived policy proposal to protect a part of our country's remaining natural heritage. The cessation of further environmentally destructive activities such as logging and mining in these relatively few areas will have little or no lasting impact on my state's economy but will ensure the availability of these undisturbed scenic areas for generations to come.

I live in southeastern Wyoming, and of particular concern to me is the future of the Medicine Bow National Forest if the current practice of clear-cutting and off-road vehicle use is allowed to expand unchecked. Setting aside the 374,000 acres of current roadless area will have an overall positive effect on this region's ecology. Keeping this small area free of incompatible development and vehicle usage will ensure that those who value an experience in the outdoors free of the signs, sounds and smells of "human progress" will continue to be able to find such places.

I strongly urge you adopt this immediate and lasting protection for current and future generations. A few industries currently extracting resources from our natural forests may claim that this policy will induce an unfair and burdensome hardship. I believe however, that when all facts are considered, there will not be any lasting negative effect and in fact the long-term consequences will be overwhelmingly positive.

Thank you for your consideration.

Sincerely,
Jim Rose
Jim Rose

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7391
http://legisweb.state.wy.us

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House of Representatives

REPRESENTATIVE N. JANE WOSTENBERG
 House District 27
 Washakie County
 1189 Cedar Lane
 Worland, Wyoming 82401

Committees:
 Minerals, Business and
 Economic Development
 Travel, Recreation, Wildlife and
 Cultural Resources

June 26, 2000

United States Forest Service
 c/o Roadless
 P.O. Box 221090
 Salt Lake City, Ut 84122

Re: Roadless Area Project

The Wyoming Supreme Court, as late as 1980 has upheld the 1866 law regarding the Right of Way Act of 1866, there is an express reservation of an easement for a public road if the road existed prior to the land being homesteaded.

The object of the grant was to enable citizens and residents of the states and territories where public lands belonging to the United States were situated to build and construct such highways across the public domain as the exigencies of their localities might require, without making themselves liable as trespassers. When the location of the roads was made by public use, the dedication took effect by relation as of the date of the act. The court also upheld that the terms "highway" and "public road are synonyms.

At that time of this act the only methods of transportation were wagon or pack trains, so the dedication could be accepted "by becoming definitely marked upon the ground by public user." Therefore the right of way may have been a wagon road, a pack train, or cart trail.

1895 Law Chapter 69, "Public Roads Defined. All roads within this state shall be public highways which have been or may be declared by law to be national, state, territorial or county roads. ALL ROADS THAT HAVE BEEN DESIGNATED OR MARKED AS HIGHWAYS ON GOVERNMENT MAPS OR PLATS IN THE RECORD OF ANY LAND OFFICE OF THE UNITED STATES within this state, and which have been publicly used as traveled highways, and which have not been closed or vacated by order of the Board of County Commission wherein the same are located, ARE DECLARED TO BE PUBLIC HIGHWAYS until the same are closed or vacated by order of the Board of County Commissioners of the county where in the same are located."

"Sec. 2. All county roads shall be under the supervision, management and control of the Board of the County Commissioners of the county wherein such roads are located, and no county

road shall hereafter be established, altered or vacated in any county in this state, except by the authority of the Board of County Commissioners of the county wherein such road is located."

Wyoming law suggests to me that none of the alternatives are acceptable, as the United States Forest Service is overstepping it's authority in managing roads located in the Big Horn Mountains, in any manner. You are doing through a regulatory process what you can't get done legislatively.

The administration plan involves preparation of an environmental impact statement which contains different land management options, and to be a part of the public comment forum one must choose from one of the "preferred alternatives". It is not clear by the "Preferred alternatives" what specific activities would be permitted on the lands in question, but it is likely the administration will give the Forest Service's roadless areas significant protection as wild lands. The new "Wild Lands" designation has the same definition as the old "Primitive" designation, and we all know those lands are now wilderness. The connection to Roadless Areas is obvious!

In order to keep our forests healthy, they must be maintained by multiple use, logging, mining, grazing, and yes, even recreation of all types. If the people of the West are to maintain good morale they must stay "connected" to the land. Article VI of the U.S. Constitution, grants us this, Wyoming State Law grants us this, and if this administration and the Forest Service can not grant us this, then privatization of our forest lands should be looked at seriously.

Sincerely,

Representative Jane Wostenberg &
 Stan Wostenberg
 1189 Cedar Lane
 Worland, Wyoming 82401

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BIG HORN COUNTY

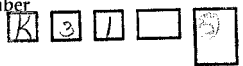
OFFICE OF COUNTY COMMISSIONERS

43980

Donald M. Russell, Chairman 307-568-2357
R. Ray Peterson, Member Fax 307-568-9375
Keith M. Grant, Member

420 West C. Street
P.O. Box 31
Basin, WY 82410

July 17, 2000



USDA Forest Service-CAET
Att'n: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

Dear Forest Service:

The Commissioners of Big Horn County, Wyoming have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure the consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest

Service, as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft...". Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

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If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,
BIG HORN COUNTY COMMISSIONERS


Donald M. Russell Chairman

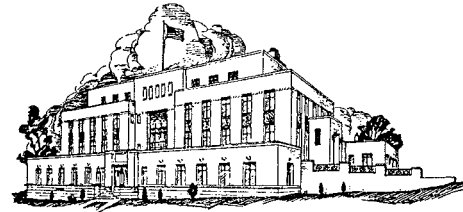

R. Ray Peterson, Member


Keith M. Grant, Member
Big Horn County Commissioners

cc: Governor Jim Geringer, State of Wyoming
US Senator Craig Thomas
US Representative Barbara Cubin
US Representative Michael B. Enzi
Chief - USDA Forest Service

The Big Horn County Board of Commissioners attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.

Art Zeiger, Chairman
Linda Fleming
Lee Meacham



Commissioners of Carbon County
Courthouse - 415 West Pine Street
Rawlins, Wyoming 82301

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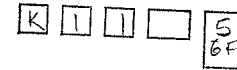
P.O. BOX 6
RAWLINS, WY. 82301
1-307-328-2670
Fax 1-307-328-2669

CAET RECEIVED

JUN 17 2000

July 10, 2000

USDA Forest Service-CAET
PO Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122



Dear Forest Service:

The Commissioners of Carbon County have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis. Discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence in provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a

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draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft IES is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Beginning with the publication of the Notice of Intent (NOI) for this proposal in the Federal Register in October of 1999, it has become clear that the process is on a "fast track." Continued requests for extensions of time to adequately respond to both the NOI and the Draft Environmental Impact Statement have been denied. Legitimate requests by state and local officials with obvious concurrent jurisdictions over many of the issues being evaluated to be granted "cooperating agency" status have also been denied. There has been an unwillingness on the part of the Forest Service to consider the vital role of state and local governments and to provide any real meaningful participation. The Council on Environmental Quality Regulations (Part 1502.2), governing the NEPA process, are very clear that agencies are to apply public involvement early in the process. Specifically agencies are directed to consult early with appropriate state and local agencies and Indian tribes and with interested private persons and organizations. This has not been accomplished with the Roadless Area Conservation rule making process.

Comments on Page 1-1, 4th paragraph – what is the reference for these statements that infers roaded areas are destructive to wildlife populations? If this is truly the case, why does the Forest Service advocate introducing many of these species into roaded areas? For example, on the Bighorn N.F. bighorn sheep were introduced into a roaded area (along a federal highway), moose are introduced and flourish in areas where roads exist (North Park in Colorado), and grizzly bears are migrating into farm country fragmented by roads in Montana (Choteau). The statement that many species avoid roads if possible does not fit with what a visitor will experience driving through a national forest or national park. If this is the case, why are there record numbers of species in spite of roads, e.g., antelope, deer, elk, moose, etc.?

The Forest Service needs to add citations and clarify these assumptions. In addition, they need to address the questions presented.

Page 1-4, last paragraph – The last sentence states that "many mentioned the need for permanently protecting roadless areas." How many is many and how many are form letters sent out to be special interest groups?

The Forest Service needs to provide the necessary data to support the statement.

Page 1-5, 4th paragraph – States that "...the Forest Service received over 360,000 responses..." On the previous page it states that "The agency received approximately 119,000 public comments..." That's a difference of 222,000 responses or comments.

The Forest Service needs to either fix the number or define the difference between "responses" and "comments."

Page 1-11, first bullet list – The second bullet states that certain issues are most appropriately resolved at the national level – what are they? The only one in recent times is that of wilderness and that was resolved by congress. What gives the agency the authority to determine what needs to be addressed at the national vs. local level?

The Forest Service needs to address where the authorities are for the action they are proposing.

Page 1-11, first bullet list – The fifth bullet discusses the availability of useful data being limited for resources other than roads and timber. This is simply not true. In fact, the Forest Service collects and maintains dozens, if not hundreds, of databases of information that are available on fire, fuels, recreation, motorized use, special uses, capital improvements, trails, wildlife, grazing, lands, insects and disease, noxious weeds, water, GIS, etc. A perception that could be inferred is that the Forest Service chose not to use this information in order to expedite the implementation of this proposal and use only the information that would support the argument that roads and timber harvest are detrimental to the National Forests.

The Forest Service must identify these other databases and apply the information in a complete and thorough analysis that quantitatively discloses all effects.

Page 2-4, paragraph 3 and Page 2-7, paragraph 3 – The description of the "No Action" Alternatives is inadequate and in error. Currently, for any activity proposed to enter or alter a roadless area, an Environmental Impact Statement is required. The intent is to analyze the impacts on changing the character of that roadless area. The discussion leaves the reader believing that units of the National Forest System can enter roadless areas with little analysis. This direction was established by the Chief – USDA Forest Service in the late 1990's.

The Forest Service must change these alternatives to reflect current and accurate direction.

Page 2-4 through 2-9 – There are inherent problems with the range of procedural alternatives presented. First, they do not represent a full range as required by CEQ Regulations (also addressed under NEPA Deficiencies). Many of the alternatives address procedures currently required by Forest Service direction and policy, e.g., Alternatives A, C and D. The only difference Alternative B provides is the statement that prohibits local decision makers from authorizing road construction and reconstruction.

The Forest Service must present a full range of alternatives that are distinctly different from each other. The alternatives must be able to display a meaningful disclosure of effects.

All references to Tongass National Forest Alternatives – The Tongass National Forest considerations in the document are distinct and different from those being considered for the remainder of the National Forest System. Adding discussions for the Tongass N.F. makes the document confusing and distracting. If the Tongass N.F. is truly different, it should be addressed and documented as a separate decision.

The Forest Service should consider addressing the roadless issue specific to the Tongass National Forest as a separate decision and not part of this rule making process.

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Page 3-3, Table 3-1 – This table illustrates the significance and magnitude of the "Proposed Action." The fact that over 90% of the roadless area acreage is located in the 12 western states provides a good argument of why these decisions should be made at the local level. Coupled with the fact that this document does not contain the quantitative analysis to adequately disclose effects, it falls extremely short of meeting CEQ Regulations governing the NEPA process. The effects on counties in these states will be significant and they should be provided the opportunity to debate and analyze the issues locally.

The Forest Service must recognize that the impacts on the 12 western states qualify them as "cooperating agencies." The Forest Service needs to "Invite the participation of affected...State, and local agencies..." as required by CEQ Regulation early in the scoping process. Since the process has progressed this far, the agency must revise the Draft EIS after inviting participation from State and local agencies.

Page 3-6, last paragraph – The statement that people living in nearby cities favor "preservation" does not contain a reference. How was this assumption made? What cities are referenced (eastern, western)? How was the word "preservation" defined? How is "undisturbed forests" defined? This statement is very misleading without these questions answered, as many people refer to western forests as wilderness even though they contain roads and management activities.

The Forest Service must either cite a reference to support such a statement, expand the discussion to include the questions presented above, or delete it from the text.

Page 3-6, last paragraph – The statement "many unroaded areas are located near urban areas" is not supported. The descriptor "many" is subjective and does not related to Figure 3-3, Page 3-5. In fact, by interpreting the map one could infer few roadless areas are located near very many urban areas.

The Forest Service must display quantitatively the relationship of urban areas, populations, and roadless areas in the United States.

Page 3-9, 5th paragraph – A reference is lacking for the statement "The increasing demand for wood fiber will be met through a combination of international trade and domestic supply." What combination of trade and domestic supply? Are there cumulative effects associated with this shift in supply? This should be addressed and any potential effects disclosed.

The Forest Service must address these questions in order to fully disclose the direct and cumulative effects.

Page 3-11 and 3-12 – This section discussed how clearcutting may be used and ground harvest equipment could be used under certain conditions as long as roadless characteristics are maintained. However, later in Chapter 3, numerous statements are made about how damaging clearcutting is. For example, clearcutting is blamed for increased forest fragmentation (Page 3-56), biodiversity loss (Page 3-57), connectivity (Page 3-57), loss of snags, old growth, and down woody material (Page 3-58), etc. Yet, the Forest Service is identifying clearcutting as a management option. In addition, timber harvest using clearcutting without roads will require long haul cable or helicopter yarding

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systems. These systems are only economically effective up to one mile in forest stands that contain enough value to recover costs. This decision will only allow timber harvest on the perimeter of roadless areas and areas that are economically feasible (up to one mile inside a roadless area) (Page S-37, Page 3-108, 3-113, 3-115, etc.) creating significant impacts in those local areas. This assumption is supported by the statement on Page 3-12 that "...impacts of timber and special products harvest are greatest close to roads and generally decrease as the distance from roads increases." The document further states that some roads are necessary for helicopter yarding (3-113-115) but the "Proposed Action" essentially eliminates this from any consideration. The "Proposed Actions" to include timber harvest is not feasible based on the constraints imposed and the impacts it will cause on the perimeter of roadless areas.

The Forest Service must clarify these discrepancies and develop a preferred alternative that is feasible.

Page 3-12 – The portion of this section that discussed expansion of ski areas, resorts, and other recreational developments only addresses those that are currently under permit or have an exiting decision for expansion. It does not discuss what the decision is for newly proposed ski areas, resorts, or other recreational developments.

The Forest Service must discuss the disposition of new special use proposals as part of the "Proposed Action."

Page 3-12, 4th paragraph – What is the reference that recreation opportunities in semi-primitive and primitive settings will continue to decrease in most non-federal ownerships?

The Forest Service must cite a reference for this assumption.

Page 3-16, Alternative 1 – The discussion states that road decommissioning would continue to increase nationwide. The question is "How much funding is being spent on road decommissioning that could, instead, be used for road maintenance to offset the backlog identified?" This creates a perception that the Forest Service is more concerned about eliminating roads that seriously resolving the maintenance backlog problem.

The Forest Service must disclose how much funding is being allocated to road decommissioning and compare it to road maintenance needs.

Page 3-18 through 3-20, Alternatives 2-4 – Road construction, reconstruction, and maintenance activities contribute jobs, dollars, and economic development to local communities. This section did not address the potential impacts to local communities in this respect. Questions that need to be answered include: 1) How many jobs are dependent on these road activities? 2) How many dollars do these activities contribute to local economies? 3) What is the impact on Forest Service organizations at the local level and how will that effect local communities? (We can presume that, since roads are an element of the past, local Forest Services offices will not need engineering organizations. Many of these Federal offices provide a significant portion of the jobs, salaries, etc. to local communities.) 4) How much of the Forest Service road construction, reconstruction, and maintenance budget is spent in roadless areas? (No data is provided to support the conclusion that funds could be shifted to other high priority areas for road maintenance.)

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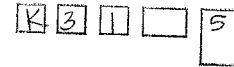


OFFICE OF THE COMMISSIONERS
COUNTY OF CONVERSE

107 No. 5th • Drawer 990 • Douglas, Wy 82633 • 307-358-2061 • FAX 307-358-5998

COMMISSIONERS: Al Stoick, Chairman • Frank G. Eathorne, Jr., Vice-Chairman • Sharon K. Lovitt, Member

July 6, 2000



CAET RECEIVED
JUL 13 2000

USDA Forest Service – CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Sirs:

We were not able to attend the meeting on June 27, 2000, but would like to submit the following for consideration.

The County Commissioners of Converse County, Wyoming are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Wyoming and the Wyoming County Commissioners Association. Our comments today are general in nature and will be supported by submission of our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

Our review, to date, has revealed the following issues and concerns:

1. **The Draft EIS appears to be Biased and Predecisional**

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let me cite some examples.

- A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.
- B. The Vice President's statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forest." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.
- C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. **The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments**

The Forest Service admits that its assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction—and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship, timber harvest, fuel reduction, catastrophic fire,

The Forest Service must address and disclose the impacts on local communities and address the questions presented.

Page 3-26, second paragraph – In many parts of the West, water is our most valuable and often our most limited resource. What is the rationale for concluding that a cumulative reduction in water yield is a beneficial effect? To ranchers and irrigators, a decrease in water yield will not be viewed as a benefit.

The Forest Service must consider the effects of reductions in water yield on communities and agriculture uses.

General – The 1996 Farm Bill signed by President Clinton expanded the role of local county conservation districts in resource management, including lands administered by the federal government. The local conservation districts need to be included in decisions affecting soil, water, noxious weeds, etc. Nowhere in the document have their roles and responsibilities been acknowledged or defined.

The Forest Service must explain why conservation Districts have not been included in this analysis. In addition, Conservation Districts were not included in the distribution list (Page 4-9 through 4-11) and never mentioned in the entire document.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

Artlin Zeiger, Chairman

Linda Fleming, Member

Lee Meacham, Member

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads me to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternatives
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are facts and which are the author's personal biases. Here are a few examples:

- A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects, which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.
- C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretreivable commitments to dispersed recreation activities in roadless areas." You can't have it both ways - irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement, which is a legal conclusion of the agency.

5. Conclusion

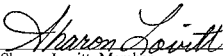
As relief to our concerns, the Commissioners of Converse County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Converse County Commissioners:


Al Stoick, Chairman


Sharon Lovitt, Member


Frank Eathorne, Member



Office of
COUNTY COMMISSIONERS
 Crook County
 BOX 37
 SUNDANCE, WYOMING 82729

July 5, 2000

USDA Forest Service - CAET
 ATTN: Roadless Area Proposed Rule
 P. O. Box 221090
 Salt Lake City, UT 84122

Dear Planners:

Once again, Crook County along with many other rural communities nationwide, has been completely ignored by Forest Service planners. The Roadless Plan is a case of "reverse engineering" at its worst.

The Roadless Area Conservation DEIS is seriously flawed. We challenge the entire planning process on the basis that the Forest Service has not followed appropriate procedures in the Plan's development.

Information in the DEIS regarding the potential impacts to counties and local governments was not gathered from those same entities. The Forest Service totally bypassed the NEPA process when it excluded local stakeholders from participating meaningfully in the planning process.

Crook County adopted a new land use plan in 1998 that specifically addresses the importance of multiple use of our public lands. It spells out how federal agencies are to coordinate with the County when those agencies propose actions that have the potential of affecting the use of land or natural resources in Crook County. The proposed roadless plan will definitely impact Crook County in those areas. Crook County has not been allowed to participate at the levels allowed in its land use plan.

We **strongly** oppose the proposed roadless area conservation plan and recommend that the entire proposal be withdrawn immediately.

Sincerely,

Mark Semlek

Mark Semlek, Chair
 Crook County Board of Commissioners

Anita Fish

Anita Fish
 Crook County Land Use Planning &
 Zoning Commission

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FACT RECEIVED
 JUN 12 2000

RESOLUTION NO. 9-2000
CROOK COUNTY'S ROADLESS INITIATIVE COMMENT

WHEREAS, Crook County has a resource-based economy and the Black Hills National Forest is a vital link to many segments of our economy.

WHEREAS, livestock grazing, logging, tourism recreation including hiking, camping, hunting, picnicing, berry picking, skiing, fishing, photographing, bird watching, snowmobiling and a multitude of other uses by a wide array of citizens are an important part of the custom and culture of surrounding communities.

WHEREAS, the Black Hills National Forest is a unique area and much local input has been involved in managing our forest.

WHEREAS, pride and a sense of ownership are vital elements in managing the Black Hills National Forest.

WHEREAS, local decisions with local involvement motivate positive volunteer actions.

WHEREAS, the majority of the users of the Black Hills National Forest are concerned, conscientious individuals interested in the long term well being of the forest and surrounding area.

WHEREAS, the Black Hills National Forest is a well managed forest and requires active local treatment to remain healthy and productive.

WHEREAS, a well managed forest is vital to watersheds in the Black Hills.

WHEREAS, a well managed forest reduces the risk of wildfire.

WHEREAS, an active multiple use forest provides a better environment for plants and wildlife than urban sprawl.

WHEREAS, Crook County has a land use plan in place that supports continued multiple use of the forest and identifies the involvement Crook County should be allowed in the decision making processes of federal and state agencies when proposing actions that will potentially impact the county.

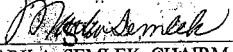
THEREFORE BE IT RESOLVED, that the Crook County Board of Commissioners opposes decisions that affect the Black Hills National Forest and Crook County being made on a federal level without substantive input from the citizens of Crook County. The Crook County Board of Commissioners are hostile to the federal administrations actions affecting our Black Hills National Forest.

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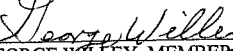
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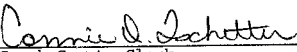
Dated this 7th day of June, 2000.

CROOK COUNTY BOARD OF COMMISSIONERS


MARK A. SEMLEK, CHAIRMAN


MERLE J. CLARK, VICE-CHAIRMAN


GEORGE WILLEY, MEMBER

ATTESTED: 
Connie D. Schetter
Crook County Clerk



1998 Land Use Plan for Crook County

(Succeeds and Replaces 1977 Crook County Land Use Plan)

Approved by Crook County Board of Commissioners on 11/4/98

INTRODUCTION - Plan Purpose

The purpose of this plan is to establish a process for Crook County to coordinate with federal and state agencies on their proposed actions that may potentially affect the management of private and public land and natural resource use. Crook County will coordinate on the proposed actions so Crook County citizens may preserve their customs, culture, and economic stability while protecting and using their environment.

Through the land use planning process, Crook County commits itself to attempting to assure that all natural resource decisions affecting the County shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands. The County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens of the County and those communities utilizing those natural resources within the County. Crook County is convinced that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain and revitalize multiple use of federally and state managed lands in Crook County, but will enhance environmental quality throughout the County.

Federal law and regulations allow the County to fully participate as a cooperating agency in the federal and state planning process. (See Appendix A listing laws and regulations.)

The Crook County Board of Commissioners will hereinafter be referred to as the Board.

This New Land Use Plan has been developed to provide a baseline vision of what Crook County expects in terms of the effects of proposed governmental management activities on private, municipal, state and federal lands as well as the effects from proposed natural resource regulatory actions.

If any provision of the Plan shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

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CUSTOM, CULTURE AND ECONOMIC BASE OF CROOK COUNTY

The people of Crook County historically, traditionally and currently earn their livelihood from activities reliant upon the use of natural resources. The economy of the County has always been, and is today, dependent upon activities critically and economically related to ranching and farming, logging, mining and other natural resource related activities. Segments of Crook County's economy are reliant upon the abundant natural resources occurring countywide. In addition, family and community traditions have developed around the economic and recreational use of the land.

Public land is managed by federal or state agencies, while use of private land can be impacted by federal or state regulatory agencies. Federal and state agencies may propose management actions and regulations that can impact and change Crook County's custom, culture and economy. (See Appendix B for chart.)

In recognition of the critical tie between the use of the private, federal and state natural resources and the economic stability of the County, the Board developed the land use planning process to serve as a guide to cooperate in the planning for federally and state managed lands as well as the consideration of the County in any federal or state natural resource regulations.

Again, the Board feels that this plan will be successfully implemented only with an on-going planning and review process that involves the citizens of Crook County.

MULTIPLE USE/ECONOMIC USE OF FEDERAL, STATE AND PRIVATE LANDS AND COORDINATION WITH FEDERAL AND STATE AGENCIES

The Board recognizes that federal law mandates multiple use of National Forests and Bureau of Land Management land. The Board positively supports continued multiple use for these lands and support the continued economic use of private and state lands.

The Board is concerned with the protection of the physical environment of Crook County and intends to offer comments, proposals or alternatives to proposed decisions which affect the environment. The Board intends to be involved in federal and state agency decisions which affect the environment.

The Board requests that, to the fullest extent required or permitted by law, all federal and state agencies shall, in all actions proposed that have the potential of affecting the use of land or natural resource in Crook County, do the following:

- A. Meet with the Board to establish a process for such coordination, that may include joint planning, joint research and data collection, joint hearings or joint environmental assessments.
- B. Analyze and consider the effects those actions will have on:
 - community stability;
 - maintenance of custom, culture and economic stability;
 - conservation and use of the environment and natural resources.
- C. Coordinate with the Board, to the fullest extent possible, as a cooperating agency on any federal or state action or decision.
- D. Allow the Board to modify or submit a viable alternative for consideration by the agency.

This coordination follows the procedure as described in Wyoming Statute 18-5-208. **Coordination of planning efforts with federal agencies:**

The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal regional forest or other resource management plans as provided in the Federal Land Policy and Management Act of 1976 and federal regulations adopted pursuant to that act, including, but not limited to, Title 36, of the Code of Federal Regulations, part 219.7 and Title 43, of the Code of Federal Regulations, part 1610.3. (See Appendix C for 36 CFR, Part 219.7, and 43 CFR, Part 1610.3.)

SPECIFIC GOALS FOR NATURAL RESOURCE USE

1. AGRICULTURE & LIVESTOCK GRAZING

Goal: Crook County will strive to promote the continuation of agriculture and livestock grazing as important, historic components of the County's economic and cultural base on both public and private land ownership.

Background:

Livestock production has occurred in Crook County for more than a century, and ranching has symbolized the County's economy, lifestyle and culture. A "ranch" consists of more than just the animals, a house and surrounding corrals and outbuildings. The concept of ranching, and therefore, the "ranch" includes the buildings, the homesite, the equipment, the livestock, the land, the forage resource, the water rights and all activities devoted to the ranching operation. Furthermore, these resources are very specific to agriculture production and are not easily adapted to alternative uses that can support the economic needs of rural families.

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Crook County's agricultural industry is evaluated in the context of cattle and sheep ranching. Hay production is typically part of most livestock operations in the County. In light of these operational characteristics, the combined description enables the calculation of a more accurate evaluation of ranching's contribution to the Crook County economy. (See Appendix D for agricultural statistics.)

Reduction of AUMs on public land will have disastrous economic impact on individual ranches, and collectively on the County itself. Continued grazing use of federally and state managed land is vital if the livestock industry is to survive. The expectation for continuation of the livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens. In addition, livestock grazing can be used to benefit and enhance riparian areas and uplands.

Forage crops, hay, silage and feed grains are produced in Crook County comprising an integral part of the livestock industry.

Irrigated and intensive agriculture also provide a major contribution to the economic base of the County critical to the economic stability of the County. Productive watersheds must be maintained within the county as essential factors to preservation of irrigated agriculture.

The quality of economic life of Crook County as well as the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values which are part of life in the County are enjoyed in part because of agricultural production.

Crook County is limited by severe winters, limited water quantities and low population when it comes to development of a non-agricultural economy.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions or regulations which may impact agricultural or livestock production.

Crook County shall carefully evaluate all existing and proposed federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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2. AIR QUALITY

Goal: Crook County will strive to monitor the available data to identify any potential conflict with federal law regarding the protection of air quality.

Background:

Crook County must comply with Class 2 Air Quality standards (See Appendix E for more information.)

There is an air quality monitoring station located at Devils Tower.

Objectives:

Crook County shall request that federal and state agencies notify the County of any proposed actions changing air quality standards in Crook County.

Crook County shall carefully evaluate all federal and state proposals, actions or regulations which could change standards for air quality over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

3. AIR SPACE

Goal: Crook County will strive to maintain air access for emergency and operational activity over the County within current laws and regulations.

Background:

Crook County covers a vast area with many regions which are extremely remote and while they are accessible over land, travel is extremely slow. Any increased air space restrictions must be minimal in order to preserve civilian use for law enforcement, medical emergency, search and rescue, livestock management, and predator control measures. (See Appendix F for more information.)

Objective:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any proposed actions changing restricted air space in Crook County.

Crook County shall review any proposals which would change air space standards over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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4. CULTURAL

Goal: Crook County will strive to maintain and share the story of its cultural history.

Background:

Several areas of ancient people petroglyphs and pictographs still can be seen in places, usually on sandstone cliffs, facing south.

They told of the cultural past of these nomadic ancient people, probably living several hundred years ago. Many sites may be open to vandalism and destruction because of the remote areas in which they are located.

Buffalo jumps tell us the story of the cultural past of these Ancient People. There are several jumps in Crook County, but the most significant site is the Vore Buffalo Jump. For over three hundred years, Plains Indian groups stampeded bison over the rim and into deep natural "sink holes". The buffalo provided American Indians not only their primary food, but was the source of many other materials used in their culture.

When this area became settled by the first white settlers, schools became cultural sites both in the established towns and out in the country.

Devils Tower, established as our nation's first National Monument in 1906 was the site for early cultural and social events and still is of great importance today.

Warren Peak and Cement Ridge, fire lookouts administered by the U.S. Forest Service, are also a part of this County's developments.

Ranch A, Moses Annenberg's hunting lodge, built around 1930, now owned by the State of Wyoming, is a learning center for the area.

The U.S. Air Force Radar Site on Warren Peak, built in the 1960's, was the world's first air transportable nuclear power plant. This highly sophisticated device was tested on Warren Peak for several years. It was removed at the end of the test period.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the County's cultural resources.

Crook County shall carefully evaluate all federal and state actions or regulations which could affect the County's cultural resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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5. ENERGY & MINERAL RESOURCES

Goal: Crook County will strive to promote responsible mining and mineral exploration as an important, historic multiple use.

Background:

Energy and mineral resources provide the base for an important contribution to the economy of Crook County. Oil, gas and mineral industry payroll and expenditures for supplies are important to the economic stability of the County.

There are a variety of minerals extracted for commercial use in Crook County.

Bentonite is produced at Colony. A small coal mine was in operation at one time near Aladdin. The Hauber Uranium Mine, located north of Hulett, had been the state's first uranium mine, and was owned by Homestake Mining Company. All of Crook County has potential for sizable uranium production. The Bear Lodge Mountains are also highly mineralized and potential exists for metals mining.

The Powder River Basin is an important oil, coal and uranium producing region. Oil production is primarily Cretaceous in age. Typical of this formation, oil and gas production is prolific when discovered but depletes quite rapidly. Coal and uranium are predominately produced from the Fort Union and White River formations. Along the contact between the Black Hills Uplift and the Powder River Basin are numerous outcroppings of granite, limestone, bentonite, and other minerals.

The Geological Survey of Wyoming lists many natural mineral occurrences in Crook County. (See Appendix G for the list of minerals.)

Objectives:

When action is considered regarding mining interests in Crook County, the restraints upon free market development imposed by statute or by agency rule shall be evaluated by the County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

6. FOREST RESOURCES

Goal: Crook County will strive to maintain sustainable timber harvesting as an important, historic multiple use of federal lands and as an effective forest management tool on private and state land.

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Background:

Historically, forest resources in Crook County have been used for mines and domestic use since the occupation of European settlers in the 1800's. A significant portion of Crook County's economy and tax base is based on the harvest and processing of timber from private, state and public lands.

The Bear Lodge and Moskee areas of Crook County contain the majority of commercial timber acreage. The USFS is the primary land manager of Crook County's timber resources. Private, BLM, and state school lands make up the additional timber resource.

Crook County has a historical, cultural and economic relationship to timber management. The state has been actively managing its timber resources on state lands through commercial timber sales and pre-commercial treatment. Many private lands are being managed for both grazing and timber fiber production by local mills with the aid of the State Division of Forestry. (See Appendix H for more information.)

Objectives:

The County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting forest or timber resources or their use.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect forest or timber resources

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Any vegetative treatment, prescribed burning, or public land set-aside shall be reviewed by Crook County.

7. PALEONTOLOGICAL RESOURCES

Goal: Crook County should strive to maintain the integrity and the opportunity to research its significant paleontological sites.

Background:

There are several sites in Crook County which contain significant fossilized remains. (See Appendix I for more information.)

The importance of future paleontological digs and subsequent findings are recognized by Crook County. However, the protection of such resources should not automatically supersede the best interests of Crook County nor its citizen's rights.

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Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the integrity of, or access to, County paleontological resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

8. PRIVATE PROPERTY

Goal: Crook County will strive to protect its citizens' constitutional rights to private property including but not limited to water, mineral, surface and subsurface rights in its planning and actions.

Background:

Crook County recognizes its citizens' inalienable, natural rights to private property, as defined and upheld by the United States Constitution.

People who live in Crook County are reliant upon the land and its productive use. Private ownership and the incentive provided by such ownership is the driving force which supports the livelihoods, culture, custom and economic stability of Crook County citizens.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions affecting the existing use of or on private property or public lands.

Crook County shall evaluate and comment on federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County shall plan for, and take positive action to ensure, that private property, private property interests and investment backed expectations are protected under the Fifth Amendment to the United States Constitution which prohibits the taking of private property for public use without just compensation.

9. RECREATIONAL USE

Goal: Crook County will strive to protect recreational opportunities compatible with local custom, culture and environmental stewardship within the constraints of private property rights.

Background:

Crook County offers a variety of recreational opportunities, many of which generate revenues for the local economy. (See Appendix J for list of recreational activities in the County.)

Recreationists enjoy access to activities on public lands in Crook County, but are expected to demonstrate ethical behavior which respects and helps maintain the sustainability of the County's natural resources. There is no charge for some of these activities and, consequently, the costs to provide these services are picked up by all taxpayers.

Objectives:

Crook County shall request that the federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting recreational opportunities in Crook County.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect recreational use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

The planning of recreational management areas, facilities and byways shall consider time and cost impacts on County services and provide for economic or other management mitigation of such impacts.

10. RIGHTS OF WAY

Goal: All planning efforts in Crook County should strive to seek to maintain historic rights to travel over federally and state managed lands wherever necessary in pursuit of mining, logging, livestock raising, and other historic uses.

Background:

Utility corridors have historically been very important in Crook County. Historically, the development of mining, logging, livestock grazing, ranching, and farming has required establishment of numerous rights of way over the federally and state managed lands. Continued use of these rights of way is essential to continuation of the associated commerce.

The potential exists for the County to assert its RS 2477 rights.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the historic rights to travel within Crook County.

Crook County shall carefully evaluate all federal and state actions, proposals or regulations which could affect the County's historic rights to travel.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Along with right to travel over these rights of way, any maintenance necessary to continue the historic use shall be allowed.

Historic travel routes that cross state or federal land are those that have been used for at least ten years. Appropriate historic travel routes may be identified under RS 2477.

11. WATER RESOURCES

Goal: Crook County will strive to protect the quality, quantity and use of surface and ground water.

Background:

Water quality and quantity in Crook County has determined where development has and will occur.

Crook County seeks to maintain the historic and economic use of water for agricultural irrigation and domestic use. (See Appendix K for more information.)

The State of Wyoming, Department of Environmental Quality maintains jurisdiction over water quality enhancement and protection from point source and non-point source pollution.

Crook County supports the present state laws and regulatory system administering the use and ownership of all surface and ground water within the State of Wyoming. Crook County recognizes that the protection and development of its water resources are essential to its short and long term environmental, economic and cultural viability.

Objectives:

Crook County shall, to the fullest extent allowed by federal law, be notified of all state, interstate, federal and international actions that have any impact on the water or use of water in Crook County, prior to such actions or planning processes being initiated.

Crook County shall comment on any proposed actions that affect water quality and quantity or use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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Water Quality:

A. Riparian Areas: The maintenance of the custom, culture, and economic stability of the County and private property rights and private property interests including investment backed expectations shall be considered of high importance in the application of any riparian area management plans, including Forest Service and Bureau of Land Management allotments or grazing plans, point source and non-point source pollution laws.

B. Wetlands: Crook County shall monitor and evaluate implementation of the "wetlands" provisions of the Clean Water Act by federal regulatory agencies when it affects the custom, culture or economic stability of Crook County residents.

C. Aquifers: Crook County requests that the Wyoming Department of Environmental Quality (WDEQ) work with the County to assure that minimal potable water is used for secondary oil recovery injection wells. Alternative methods shall be evaluated.

Water Quantity:

A. The protection and preservation of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers or abandonment in water use shall be considered carefully in relationship to the history, traditions, culture and economics of Crook County.

B. Crook County recognizes existing water rights and promotes new development of water for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes for future economic and cultural growth.

12. WILDERNESS and Other Set Aside Designations

Goal: Crook County will strive to have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

Background:

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

The Wyoming Wilderness Bill of 1984, Public Law 98-550, aimed "To designate certain national forest system lands in the State of Wyoming for inclusion in The National Wilderness Preservation System, to release other forest lands for multiple use

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management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes." Sand Creek area was considered for Wilderness but was released.

There are no designated Wilderness areas in Crook County.

Objectives:

Current Wilderness or set aside recommendations made by federal agencies shall be reviewed by the County in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Crook County. This evaluation and subsequent recommendation from the County will be forwarded to Congress.

Should the recommendation be made by Congress not to designate an area as Wilderness or set aside, the area under consideration shall be released from further wilderness consideration.

13. WILDLIFE

Goal: Crook County will strive to encourage the Wyoming Game and Fish Department to maintain balanced wildlife populations for both consumptive and non-consumptive uses.

Background:

The Wyoming Game and Fish Department is the principle agency responsible for managing the wildlife resource in Crook County. Historically, white-tail deer and Merriam's wild turkey have been the species of interest for the hunting public in this area. However, over the past ten years white-tail deer, turkey as well as Pronghorn Antelope numbers have declined. Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period. Two mountain lions have been killed in Crook County in the past ten years; there are no bears in the area. Populations of cottontail rabbit, squirrel, and sharp-tail and ruffed grouse are weather and habitat dependent; their present populations have minimal impact on the regional economy. There are no resident wildlife species classified as threatened or endangered in Crook County. (See Appendix L, #1 for more information.)

In Wyoming, the state legislature has assumed responsibility for wildlife caused damage on agricultural lands from those animals classified as big game, trophy game and game birds. Wildlife depredation is more prevalent when population numbers are high, particularly during drought or severe winter weather conditions. Additionally, the Game and Fish Department annually provides damage prevention materials to county landowners for protection of stored crops. (See Appendix L, #2 for more information.)

The legislature has classified coyotes, red foxes, jackrabbits, skunks, raccoons, porcupines and stray cats as predators. No claims are paid for predator caused damage, although the Game and Fish Department does contribute annually to the state predator control program. (See Appendix L, #3 for more information.) There are no reliable

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population estimates for these species, also there are no regulated hunting seasons or license requirements for predators.

Objective:

Hunting activity, allowable harvests and Departmental feeding programs shall be coordinated with Crook County to achieve a balanced multiple use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Crook County requests that the Wyoming Game and Fish Department hold public hearings in local vicinities that represent affected landowners.

Crook County requests that the Wyoming Game and Fish Department incorporate County citizens' public input early in the licensing decision-making process.

CONCLUSION

This Plan provides the formal outline of the planning process as it relates to the federally and state managed lands and federal and state regulation on private property. The implementation process of the Plan will be continual, and will require the Board to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development, implementation and monitoring. There is currently no budget for Land Use Planning, and its effectiveness will depend on the commitment of volunteers.

Federal and state regulation action as well as management actions on federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions and monitoring activities should adhere strictly to the laws of the United States, the State of Wyoming, Crook County, and all its municipalities.

APPENDICES TO THE PLAN

APPENDIX A - Introduction

List of Laws and Regulations that impact state and federal planning processes:

- Forest and Rangeland Renewable Resources Planning Act of 1974
- Forest Service Regulations
- Bureau of Land Management Regulations
- Endangered Species Act (ESA)
- Wild and Scenic Rivers Act
- Historic Preservation Act Regulations
- Clean Air Act
- Clean Water Act
- Rural Environmental Conservation Act
- Resource Conservation Act of 1981
- Presidential Executive Order 12866 - Regulatory Planning and Review (Sept. 30, 1993)
- Presidential Executive Order 12630 - Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)
- Federal Land Policy and Management Act (FLPMA)
- Federal Advisory Committee Act (FACA)
- Food and Agriculture Conservation Trade Act
- National Environmental Policy Act (NEPA)
- The Wilderness Act of 1964
- The Wyoming Wilderness Bill of 1984
- American Heritage Rivers Initiative

APPENDIX B - Custom, Culture and Economic Base of Crook County

There are 1,827,840 acres in Crook County.

-Source: Crook County Assessor's Office.

Land Ownership in Crook County

Private 79%
 Non-Private 21%

Breakdown of Non-Private Land

US Forest Service	8.7%
State of Wyoming	6.2
Bureau of Land Management	4.8
Bureau of Reclamation	0.9
National Park Service	<0.1
Cities	<0.1
Wyoming Game & Fish	<0.1
Crook County	<0.1
School District	<0.1
Water	0.6
Other	0.5
	21.0%

-Source: Baseline data on agriculture and natural resources in Crook County provided by Gene Gade, UW Extension.

APPENDIX C - Multiple Use/Economic Use of Federal, State and Private Lands and Coordination with Federal and State Agencies

The following is Part 219.7, Title 36, of the Code of Federal Regulations:

219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7)

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include-

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives of their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

[47 FR 43037, Sept. 30, 1982, as amended at 48 FR 29122, June 24, 1983]

The following is Part 1610.3, Title 43, of the Code of Federal Regulations:

1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

Sec. 1610.3 -1 Coordination of planning efforts

(a) In addition to the public involvement prescribed by Sec. 1610.2 of this title.

(1) the following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for the State Directors and District

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and Area Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

(b) State Directors and District and Area Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity to review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(C) In developing guidance to District Managers, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by Sec. 1610.3-2 of this title,

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied, and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(d) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under Sec. 1610.2(b) of this title.

(e) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under Sec. 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(f) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process. Sec. 1610.3-2 Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

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(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any know inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.

APPENDIX D - Agriculture & Livestock Grazing

Agricultural Statistics for Crook County:

The primary contribution of agriculture to the revenue base of Crook County is through the collection of ad valorem taxes. Crook County assigns an assessed value to several classes of agricultural lands. This assessment includes varied assessment values for dry farm, irrigated lands, range, farmsteads, waste and bog lands, as well as related improvements. Crook County's total assessed value in the 1997 abstract is \$28,116,817.00. 1,376,959 acres of agricultural lands and related improvements shows an assessed value of \$6,767,016.00.

-Source: Crook County Assessor's Office.

-For Agricultural Statistics, see Wyoming Agricultural Statistics Service, 1997 Publication on file in the County Clerk's Office.

-Also, see reports on file in the County Clerk's Office, from Gene Gade, UW Extension Agency.

APPENDIX E - Air Quality

Information on air quality area classifications and standards can be obtained from the *Wyoming Air Quality Regulations*, a publication available through the Wyoming Department of Environmental Quality, Air Quality Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002. A copy of the publication will remain on file in the office of the Crook County Clerk, Sundance, Wyoming.

APPENDIX F - Air Space

Currently, the Department of the Interior, Devils Tower National Monument, has a memorandum of understanding (MOU) with the US Air Force concerning overflights of the Tower. This MOU was signed with Colonel Shuebbert, stationed at Ellsworth Air Force Base in 1995. The request for the MOU came from the Devils Tower National Monument Superintendent, who reported that the overflights were disruptive to visitors at the Monument.

The MOU states that there will be a reserved air space as defined by five (5) nautical and vertical air miles and followed by all Department of Defense personnel.

APPENDIX G- Energy & Mineral Resources

List of Minerals in Crook County

Alum	Barite	Bentonite
Calcite	Coal	Columbite
Copper	Fluorite	Garnet
Gold	Gypsum	Iron-Pyrite
Lead	Limestone	Manganese
Nepheline-syenite	Oil and Gas	Quartz-agates
Tripolite	Silver	Sandstone
Stone-marble	Titanite	Tourmaline
Uranium	Rare Earths	Vanadium
Zinc	Sand & Gravel	

(Source: Crook County Land Use Plan, December 19, 1977, page 13.)

APPENDIX H - Timber Resources

The US Forest Service has a proposed harvest of 83.8 million board feet (MMBF) on the Black Hills National Forest. This has decreased 30% from the 1983 Forest Plan.

-Reference: Revised Forest Plan for the Black Hills National Forest and related EIS. See these documents, on file with the County Clerk, for further information.

APPENDIX I - Paleontological Resources

The Little Houston Quarry, part of the Jurassic Morrison Formation and located between Moorcroft and Sundance, has produced fossils of the prehistoric Camarasaurus. Fossils found at the Hawken Site, a buffalo jump located seven miles south of Sundance, suggest the existence of a sizable herd of now-extinct bison (*bison bison occidentalis*) from approximately 4400-4500 B.C. - Source: Crook County Museum, Sundance.

APPENDIX J - Recreational Use

Recreational activities in Crook County include, but are not limited to: hunting, fishing, four-wheeling, snowmobiling, rock climbing, spelunking, hiking, motor biking, camping, biking, golfing, snowshoeing, berry picking, sightseeing, bird- and wildlife-watching, picnicking, swimming, horseback riding, water- and snow-skiing, rock hounding, trapping, target shooting, rodeoing, and flying.

APPENDIX K - Water Resources

The largest portion of crops produced with irrigation in Crook County are alfalfa, grass and other hay and feed grains which are produced for the livestock industry.

Each year, millions of gallons of potable water is used for the secondary recovery of oil on private, state and federal lands. This water becomes unsuitable for human or livestock use.

APPENDIX L - Wildlife

#1 - Over the past ten years, white-tail deer numbers have declined from 40,000 to 20,000 head. At the same time, turkey numbers have also declined, from approximately 10,000 to 2,000 birds. Pronghorn Antelope have experienced a similar population decline.

Consequently, county-wide revenue generated from hunter dollars has declined from \$3.2 million in 1986 to \$1.8 million in 1996.

Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period with populations of 20,000 and 500, respectively.

#2 - The Wyoming Game and Fish Department reimbursed 13 area landowners greater than \$160,000.00 during the drought year of 1989. Only one damage claim has been filed/paid each of the past two years in the county; \$2,400.00 in 1995 and \$2,840.00 in 1996. The Game and Fish Department provides approximately \$20,000.00 annually in damage prevention materials to county landowners for protection of stored crops.

#3 - The Wyoming Game and Fish Department contributes more than \$150,000.00 annually to the state predator control program.

-Source: Wyoming Game and Fish Department.

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SOURCES

References, including resources and sources, used in the development of the Draft 1997 Land Use Plan for Crook County:

- Interim Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Owyhee County - July, 1993
- Crook County Land Use Plan, Prepared by the Crook County Planning Commission with assistance from Tri-County Planning Office, Newcastle, Wyoming, Approved by the Board of County Commissioners of Crook County, December 19, 1977.
- Connie Tschetter, Crook County Clerk, Sundance, Wyoming.
- Gene Gade, University of Wyoming Extension Agency, Crook County Courthouse, Sundance, Wyoming.
- Board of Crook County Commissioners - Alan Roberts, Mark Semlek, Merle Clark, Don Roberts.
- Devils Tower Conservation District, Sundance, Wyoming.
- Joe Baron, Crook County Attorney, Sundance, Wyoming.
- Crook County Museum, Sundance, Wyoming.
- Wyoming Agricultural Statistics 1997, Published by: Wyoming Department of Agriculture, Wyoming Agricultural Statistics Service, University of Wyoming, College of Agriculture.
- Crook County Land Use Planning and Zoning Commission -
 - Members: Anita Fish, Chairperson
 - Mary Flanderka, Vice-Chairperson
 - Gerald Bunney
 - Walt Marchant
 - Gisele Robinson
 - Sub-committee: Gary Allison
 - Dan Boone
 - Larry Goodson
 - Sheryl Klocker
 - Darlene Spiedel
 - Linda Tokarczyk
 - Darla West

* To access more information on land use planning in Crook County or more details on the County's land use planning process, please contact the office of the County Clerk, P.O. Box 37, Sundance, WY 82729 - County Courthouse, Sundance, Wyoming - Phone: 307-283-1323.

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USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

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Dear Forest Service,

The Crook County Conservation District has conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

*Ted Madine Pres.
Wayne Hansen
Quint Dumbilla*

CAET RECEIVED
JUL 17 2000

USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

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CAET RECEIVED
JUL 17 2000

Dear Forest Service,

The Lake DeSmet Conservation District, in conjunction with our State Association, have conducted a review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. The review uncovered numerous questions that may indicate a need for changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains many concerns pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process. There are misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf.

From the review, the District is requesting that the Forest Service consider two courses of action. We request that you:

1. Withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If the Proposed Rule and Draft EIS moves forward, the District would like to request that the Forest Service at a minimum, revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..."

If neither course of action is pursued, we strongly request an extension of the comment period for an additional 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

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Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration".

Sincerely,

John Pearson, Chair
LDCD

Cc: Governor Jim Geringer
Senator Craig Thomas
Senator Michael Enzi
Representative Barbara Cubin
Chief--USDA Forest Service

COUNTY COMMISSION PUBLIC COMMENT CONCERNING
FOREST SERVICE ROADLESS AREA
DRAFT ENVIRONMENTAL IMPACT STATEMENT
RIVERTON, WYOMING MEETING JUNE 27, 2000

CAFT RECEIVED

JUN 05 2000

My name is Tom Satterfield. I am the president of the Wyoming County Commissioners Association and a Commissioner from Fremont County Wyoming. The Wyoming County Commissioners Association is in the process of preparing a detailed and comprehensive review of the Draft EIS concerning the roadless area impact in Wyoming. This "White Paper" will be submitted to the Chief of the Forest Service before the close of comment on July 17, 2000.

Our review of the draft EIS has uncovered some disturbing issues. Previous actions and statements by the Executive Branch of our government and the Chief of the Forest Service tends to support a preferred alternative and proposed action. The temporary suspension of road construction in many roadless areas was without public comment or input of local governments. It was done without regard for the impact on roads, recreation timber harvest, or any other multiple uses of the forest lands. Vice President Gore is quoted as saying, "And just so I'm crystal clear about it; No new road building and no timber sales in the roadless areas....." Now since this EIS is under the umbrella of the Executive Branch it does not take a rocket scientist to figure out which direction the EIS is going. In fact the whole document is written so subjectively that it leans toward justifying the proposed action of prohibiting timber harvest rather than presenting any objective analysis of alternatives, issues and most of all effects. Where is the analysis of the impacts on counties? When did anyone bother to ask what the impact is on Fremont County? Does the federal government really believe that they know more about issues in Fremont County related to recreation use, stewardship timber harvest, fuel reduction, catastrophic fires, ecological factors, wildlife numbers. I don't think so. Counties in Wyoming have spent hundreds of thousands of dollars in the last few years coming ups with credible data concerning the economics of each of these issues and the Forest Service has not even bothered to ask county commissioners for the data.

The next item that concerns us is the flagrant abuse of the law. This draft EIS fails to meet the basic Council on Environmental Quality Regulations concerning the Nation Environmental Policy Act. I could name sixteen to twenty violations and I would just be getting started. These will be addressed in our "White Paper"

The Fremont County Commission wants to go on record requesting the Forest service to:

1. Withdraw the proposed rule.
2. Delegate the decision for determining roadless areas to local forest supervisors through the normal land management planning process so local governments can play an active role in the process.

Thank you for the opportunity to comment.

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Board of Lincoln County Commissioners

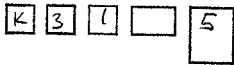
925 Sage Avenue
Kemmerer, Wyoming 83101

Stan Cooper, Chairman
Kemmerer, Wyoming 83101

307-877-9056
307-877-4237 Fax
e-mail: cclincl2@wdhpop.state.wy.us

Kathleen Davison
Kemmerer, Wyoming 83101

Jerry T. Harmon
Afton, Wyoming 83110



The County Commissioners of Lincoln County, Wyoming are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

1. The Draft EIS appears to be Biased and Predecisional

A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.

B. The Vice Presidents statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments

The Forest Service admits that it's assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction – and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. We do not

believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads us to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council of Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternatives
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data.

A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than

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planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed reaction activities in roadless areas." You can't have it both ways—irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns, the Commissioners of Lincoln County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

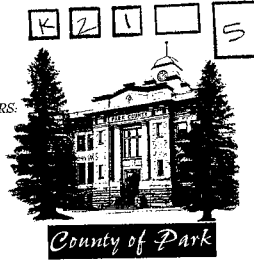
Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Lincoln County Commissioners,

Stan Cooper, Chairman

Kathy Davison

Jerry T. Harmon



BOARD OF COUNTY COMMISSIONERS:

Tim Wade, Chairman
Charles W. Johnston, Vice Chairman
Timothy J. Morrison, Commissioner

Commissioners' Office
July 3, 2000

PARK COUNTY, WYOMING
ORGANIZED 1911
ORIGINAL PARK COUNTY COURTHOUSE
CODY, WYOMING
COMPLETED 1912

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CAET RECEIVED
JUL 05 2000

USDA Forest Service - CAET
Attention: Roadless Area Conservation Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122

RE: Roadless Area DEIS Comments

Dear Sir:

The Board of County Commissioners of Park County, Wyoming hereby submits the following comments concerning the Draft Environmental Impact Statement (DEIS) on the Roadless Area Conservation Proposed Rule for National Forest System Lands.

The Board has a continuing interest in the management of Shoshone National Forest lands within Park County and how such management will affect the residents of Park County. As a general policy, we endorse the Multiple Use concept, including timber harvest, and believe it should be applied to all lands where such uses can be made in an environmentally acceptable manner.

We disagree with the extremely "broad brush" approach of prescribing roadless management for over 40 million acres. The proposed action circumvents the National Forest Management Act; and the many individual national Forest Management Plans which were developed by local Forest personnel with local public involvement.

The DEIS cites six public benefits to be realized from roadless management:

- opportunities for dispersed recreation
- sources of clean drinking water
- barriers against the spread of noxious weeds
- habitat for rare plants and animals
- opportunities for monitoring and researching undisturbed landscapes
- landscapes that provide solitude and seclusion

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SHERIDAN COUNTY COMMISSION

CHARLES L. WHITON • B. BRADFORD WATERS • STEVE COX

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USDA Forest Service - CAET
RE: Roadless Area DEIS Comments
July 3, 2000
Page Two

July 12, 2000

We do not believe any of the above-cited benefits are applicable to, or justify additional roadless management on the Shoshone National Forest. We did not find any scientific evidence in the DEIS to support or suggest that dispersed recreation, high water quality or desirable wildlife habitat cannot be provided in well-managed roaded areas.

We also recognize and appreciate the value of pristine, undeveloped areas of national forests for ecological diversity, primitive recreation use and social values. We question how much is enough? The Shoshone National Forest contains 2.4 million acres, of which 1.4 million acres are already Congressionally designated wilderness. Over 90% of the recreation use occurs in existing roaded areas. Wildlife populations are at or near all time highs, and in some cases may be above population objectives set by the Wyoming Game and Fish Department. Grizzly bear populations are increasing to the point that the responsible agencies are considering delisting. Since reintroduction into the Yellowstone ecosystem, wolves are thriving and establishing new packs each year.

We do not believe roadless management, i.e., non-management, is good for our people or our economy. The Yellowstone area fires of 1988 dramatically demonstrate what can and will ultimately happen in unmanaged (over-rested) forest ecosystems. Contrast the burned-over area in and around Yellowstone National Park with the managed national forests surrounding the Park. The managed, roaded areas have more biological diversity, contain healthier watersheds and timber stands, better wildlife habitat, and more diverse recreational opportunities, than its "naturally managed" neighbor.

The future management of National Forest lands that are currently unroaded and undeveloped should be determined through local forest planning as envisioned in the National Forest Management Act, without the constraints of an ill-conceived national policy, or Executive Order.

Sincerely,
**BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, WYOMING**

[Signature]
Tim Wade, Chairman
ABSENT

Charles W. Johnstone, Vice Chairman
[Signature]
Timothy J. Morrison, Commissioner

USDA Forest Service - CAET
Attn: Roadless Areas Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122

**CAET RECEIVED
JUL 17 2000**

Dear Forest Service:

We, the Commissioners of Sheridan County have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1400-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two (2) courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

224 South Main Street • Suite B-1 • Sheridan, Wyoming 82801-4855 • Phone: (307) 674-2900 • Fax: (307) 674-2909

USDA Forest Service - CAET
July 12, 2000
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2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming



Charles L. Whiton, Chairman



B. Bradford Waters, Commissioner



Steve Cox, Commissioner

/rb

Attachment

cc: Governor Jim Geringer
Chief - USDA Forest Service
State Congressional Delegation

Summary of NEPA Deficiencies

The following review identifies deficiencies in the Draft EIS that may constitute violations of the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) governing the NEPA process.

PART 1500--PURPOSE, POLICY, AND MANDATE

Part 1500.5 Reducing delay

Agencies shall reduce delay by:

- (b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document.

Forest Service Draft EIS--The document was prepared without interagency cooperation from local governments and counties. As a result, adversary comments are being submitted in order to insure the Forest Service addresses critical elements of direct, indirect, and cumulative effects on local governments and counties.

PART 1501--NEPA AND AGENCY PLANNING

Part 1501.2 Apply NEPA early in the process.

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

- (b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses.

Forest Service Draft EIS--The document fails to describe the environmental effects in adequate detail. The proposed rule documents the fact that most of the analysis was "qualitative" in nature. The subjective disclosure of effects (highly likely, slightly, small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc.) cannot be effectively used to compare the economic and technical effects of the proposed action.

- (c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources...

Forest Service Draft EIS--The alternatives do not reflect recommended courses of action by local governments or counties. They only represent those developed by the agency. Conflicts have existed over the issue of roadless areas and will continue with this proposed rule.

Part 1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process...In addition, any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. (Note: Part 1508.5, definitions, states that "A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with

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the lead agency become a cooperating agency.")

Forest Service Draft EIS--The process did not include an invitation for local governments or counties to be cooperating agencies. The Draft EIS distribution list did not include local governments, counties, or conservation districts in the mailing. Local governments, counties, and conservation districts have special expertise in determining the effects and impacts of the proposed action on economies, fire, dependency, resiliency, noxious weeds, recreation and tourism, water, etc.

Part 1501.7 Scoping

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent....

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State and local agencies...

Forest Service Draft EIS--The process did not include an invitation for local governments, counties, or conservation districts to participate in the process. The invitation is actually for involvement after this rule is finalized. In fact, the section on Local Involvement (Page 3-209) states that "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." The problem is that the scope of any remaining decision is strictly limited to further protection of roadless areas.

Chapter 4 of the Draft EIS, Consultation and Coordination, only discusses the public involvement effort, e.g., public meetings, a web site, written responses, telephone inquiries, etc. that the Forest Service attempted to implement for this proposal. The chapter never uses the words "consultation and coordination" except in the context of American Indian and Alaska Native tribes. Basically, the Forest Service has failed to invite the participation of local governments, counties, and conservation districts. This failure also violates the Unfunded Mandates Reform Act of 1995 which states that,

"Each agency shall, to the extent permitted by law, develop an effective process to permit elected officers of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates."

PART 1502--ENVIRONMENTAL IMPACT STATEMENT

Part 1502.1 Purpose

It (the EIS) shall provide full and fair discussion of significant environmental impacts and inform decision-makers and the public of the reasonable alternatives ... Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.

Forest Service Draft EIS--The document does not provide a full and fair discussion of significant environmental effects. Instead, many sections are extremely biased against road construction, reconstruction, and timber harvest. The document does not inform the decision-makers and the public with reasonable alternatives (more on this later). The document is far from concise, clear, and to the point--many times repeating or continuing the affected environment discussions in sections that should disclose effects. Few of the assumptions are supported by evidence that the agency has conducted a complete environmental analysis.

Part 1502.2 Implementation

(a) Environmental impact statements shall be analytic rather than encyclopedic.

Forest Service Draft EIS--The document contains little quantitative information and uses an encyclopedic discussion that appears to repeatedly support the proposed action.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision.

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

Forest Service Draft EIS--The Chief, USDA Forest Service placed an eighteen month moratorium on road construction and reconstruction in roadless areas before the draft rule was released. This provides evidence that the Draft EIS is prejudiced and much of the written text appears to justify the proposed action. After decades of managing roadless areas, it appears suspicious that a moratorium on these activities was necessary. If fact the document discloses in many sections that road construction and timber harvest in roadless areas has declined significantly in the past decade. What is the urgency when projected development would equate to less than one half of one percent of all roadless acres in the United States during this eighteen month period?

Additionally, the Vice President of the United States is on record as stating that "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

Part 1502.9 Draft, final, and supplemental statement

(a) ...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental statements if:

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

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Forest Service Draft EIS--The references in this part of the regulations requires Federal agencies to either revise or supplement statements that are inadequate. The Roadless Area Conservation document lacks adequacy, and comments submitted provide significant new circumstances. Therefore, the conclusion of the Forest Service should be to, as a minimum, revise and recirculate the draft.

Part 1502.12 Summary

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement.

Forest Service Draft EIS--The document provides a summary that does not accurately summarize the Draft EIS. In fact, the description of alternatives and comparison of alternatives in the summary omits critical information that could lead to a misinterpretation of what the agency is proposing. For example, the summary describes the procedural proposed action as an option for local decision-makers on whether and how to protect roadless characteristics. The Draft EIS adds a sentence stating that local decision-makers could not authorize road construction or reconstruction. The summary gives broad discretion and the Draft EIS takes it away. This is not an accurate reflection of what the Draft EIS proposed action represents. Finally, the comparison of alternatives table in the summary omits many of the factors evaluated in the Draft EIS which appears to support the proposed action.

Part 1502.13 Alternatives including the proposed action.

This section is the heart of the environmental impact statement...it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and public. In this section, agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives...

Forest Service Draft EIS--This requirement of NEPA assures that the analysis in the document leads to a clear basis for choice. However, the analysis must be objectively evaluated--which in this case it is not. The document is peppered with numerous subjective, biased, and prejudicial statements.

Part 1502.15 Affected environment.

Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

Forest Service Draft EIS--The document contains many verbose descriptions of the affected environment that lack substance and objectivity. More quantitative information would have provided a much less verbose narrative. Another problem is that much of the information included in the effects section of each alternative is merely a continuation of the descriptions in the affected environment.

Part 1502.16 Environmental consequences.

This section forms the scientific and analytic basis for the comparisons...It shall include discussions of:

- (a) Direct effects and their significance
- (b) Indirect effects and their significance
- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies, and controls for the area.

Forest Service Draft EIS--Most of the sections in the document lack a quantitative analysis necessary to determine direct and indirect effects and conflicts with State and local land use plans and policies. In fact, there are no references to State and local land use plans or policies. Since the agency failed to consult with local governments, it could not possibly be aware of and analyze these conflicts.

Part 1502.19 Circulation of the environmental impact statement

...the entire statement shall be furnished to:

- (a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State, or local agency authorized to enforce environmental standards.

Forest Service Draft EIS--The document was not distributed to local governments, counties, or conservation districts. Instead, copies were placed in County and Municipal Libraries. Unless one had a copy of the Draft EIS, he/she would not be aware of this distribution. Therefore, the agency failed to meet this part of the CEQ Regulations governing NEPA. Local governments, counties, and conservation districts all have special expertise the Forest Service should have used in developing alternatives and conducting the analysis.

Part 1502.21 Incorporation by reference.

No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment.

Forest Service Draft EIS--Two factors restrict the ability of local governments, counties, and conservation districts to adequately review the Draft EIS: 1) Over 350 sources of information was referenced (some even in press), and 2) The 60 day time frame to access, review, and comment on the conclusions of these references is unrealistic. The Forest Service must extend the comments period to 180 days to allow local governments adequate time to access and review the incorporated information.

Part 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.

Forest Service Draft EIS--The document lacks scientific integrity on the basis that numerous assumptions were made without any scientific foundation. Many assumptions appear to be based on the authors' values and biases.

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Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.

Forest Service Draft EIS--The document lacks scientific integrity on the basis that numerous assumptions were made without any scientific foundation. Many assumptions appear to be based on the authors' values and biases.

PART 1503--COMMENTING

1503.1 Inviting comments.

- (1) Obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

Forest Service Draft EIS--The Forest Service did not actively solicit comments from local governments, counties, or conservation districts who have some legal jurisdiction and special expertise. Therefore, it can be concluded that the Forest Service failed to meet the requirements of this part.

PART 1506--OTHER REQUIREMENTS OF NEPA

1506.1 Limitations on actions during NEPA process.

- (a) Until an agency issues a record of decision, no action concerning the proposal shall be taken which would:
 - (2) Limit the choice of reasonable alternatives.
 - (c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:
- (3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.

Forest Service Draft EIS--Refer to comments under Part 1502.2, Implementation.

Summary of Page by Page Review Findings

The following areas represent a summary of deficiencies, inconsistencies, errors, and biases found in a detailed and comprehensive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

1. NEPA Deficiencies

A review of the Forest Service Draft EIS indicates numerous deficiencies in meeting the Council on Environmental Quality Regulations (40 CFR 1500-1508) that govern the National Environmental Policy Act (NEPA) process. These deficiencies include:

- A. Lack of interagency cooperation and consultation with local governments
- B. Inadequate specific information on environmental effects
- C. Insufficient range of alternatives
- D. Failure to request participation from local governments
- E. Failure to support assumptions, effects, and conclusions with evidence
- F. Prejudiced selection of the proposed alternative
- G. Biased assumptions and conclusions
- H. Inaccurate summary
- I. Incorporation of material by reference that is not readily available
- J. Lack of scientific integrity
- K. Excess bulk, lack of clarity, and difficult to understand
- L. Failure to circulate the statement to local governments
- M. Taking actions that prejudice selection of alternatives

2. Range of Alternatives

There appears to be far less than a full range of alternatives considered in the document. Most prohibition alternatives merely regurgitate what is already required by law, policy, or regulation. For example, alternatives were developed that require project level analysis or forest planning to determine effects when entering roadless areas for any reason. However, these activities are currently required by Forest Service direction, law, or regulation so they represent the "No Action" alternative, rather than, additional alternatives. Therefore, the alternatives developed do not represent a full range as required by CEQ regulations.

3. Ecological Factors

The Forest Service did not take into account the ecological and resource use factors (biodiversity, ecoregions, fragmentation, size, open space, roadless recreation, etc.) other agencies contribute through their management, e.g., Bureau of Land Management, National Park Service, Fish and Wildlife Service, etc. Since this analysis is on a national scale, these other agencies need to be taken into account on what they contribute to the numerous ecological and resource use factors.

4. Fire

The document references the increased risk of catastrophic fires using Ponderosa Pine forests as examples. The need is identified for fuel reduction, through mechanical and prescribed fire treatments, to reduce risk. The problem is that Ponderosa Pine is a short-fire interval species and does not represent a majority of forested areas across the nation. The question that needs addressing is how to reduce the risk on long-interval fire species, such as, lodgepole pine and spruce. These stands are aging, subject to insect and disease, and contribute to fire risk. Many of the catastrophic fires in the west in recent times (1988 fires in Yellowstone, Montana, Wyoming, and Idaho) did not occur in Ponderosa Pine ecosystems. Treatments using thinning and prescribed fire are NOT feasible for these species. In order to comprehend the magnitude of this problem, the Forest Service needs to display the acres of short-interval fire ecosystems (e.g. Ponderosa Pine) and acres of long-interval fire ecosystems (e.g. Lodgepole Pine, Spruce).

5. Vegetative Treatments

Much of the document references the use of fire and mechanical treatments (thinning) for vegetation and ignores or provides arguments against the use of timber harvest. The proposed action alternatives will have many of the same effects.

6. Stewardship

The document makes it sound like stewardship is a new and novel idea. From experience, many past timber sales were designed for enhancing other resources, such as, wildlife, range, water production, insect and disease control, etc. A review of past NEPA documents for timber sales would illustrate that they were designed for enhancement of other resource values and objectives. In addition, the stewardship practices proposed for roadless areas are questionable as to their feasibility. References to helicopter logging and mechanical treatments will, in most cases, concentrate the activities in areas where roads currently exist. This is because roads are needed for transportation of mechanical equipment, helicopter logging, etc. Finally, costs of these activities without road access can be prohibitive. The question is "Where does the Forest Service intend to get the funding to carry out these expensive activities in roadless areas?"

7. Recreation

The entire recreation section focuses on the supply side of recreational opportunities. No references are made to the demand for roadless areas or the contribution other agencies provide for roadless experiences, e.g., BLM, NPS, FWS, BR, etc. In addition, the recreation section focuses on the need for more unroaded recreation opportunities when the document states that the demand for roaded recreation opportunities are increasing.

8. Impacts to Counties

There are numerous impacts that will affect counties. This should identify the need for direct consultation or even cooperating agency status. Many of the identified impacts are not assessed

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on a quantifiable basis and do not address specifics. The proposed rule identifies the type of impact assessment and most impacts are described as a "qualitative discussion" and not "quantitative" analysis. This leaves local officials in the dark about how the proposal will impact their jurisdiction. Impacts will affect counties, municipalities, conservation districts, rural fire departments, water districts, irrigation districts, etc.

9. Competency of Local Governments and Public Trust

The Forest Service states that the roadless issue has been "...steeped in controversy..." over the past 20 years and that it is time to put the issue to rest to avoid litigation and appeals. Why, then, does the Forest Service entrust local officials to make decisions on equally complex and controversial issues, such as, oil and gas development, forest plans (in the revised planning regulations), fire management, grazing, timber sales, etc. It appears there is a double standard for what the national office entrusts local officials to decide upon. The document references "collaborative" approaches to National Forest management. Even the proposed Forest Planning Regulations speak repeatedly about "collaborative" approaches. Why isn't collaboration an effective tool in this roadless area evaluation process?

10. Risk

The document refers to the risk of implementing many actions. There is an appearance that the risk of catastrophic fire, greater human impact, impacts to communities, etc. is acceptable but the risk of road construction, reconstruction, and timber harvest is not acceptable.

11. Transportation

The document does not address impacts to jobs, income, and local economies as a result of prohibiting road construction, reconstruction, and maintenance.

12. Confusion of Multiple Efforts

The document, due to representing a national scale effort, multiple substantive and procedural alternatives, and multiple rule making proposals is confusing and difficult to understand. Each of these efforts should be taken in a sequence that simplifies the process. For example, the document identifies the Forest Planning Rule Revision as the umbrella by stating that "...the final planning rule would provide the overarching framework for implementing the final road management rule and the final roadless area conservation rule." If this is the case, then the Forest Planning Rules should be decided upon first. Then a proposal should be released on the "process alternatives" for the Roadless Conservation rule that would address issues and criteria. A final rule would then direct local forests managers to decide on the criteria needed to manage, protect, or preserve certain areas through the forest planning process. Even the Forest Service admits on Page 3-240 that the combination of rules may have a cumulative effect but cannot anticipate what they may be. In the next paragraph on page 3-240, the statement is made that the proposed planning rule does not specify criteria for roadless other than those for wilderness. If this is the case, it would be more prudent to "fix" the planning rule to include this criteria.

13. Project Level vs. Forest Level Planning

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Many references are made (as issues and alternatives) that decisions are made at the project level to decide the disposition of roadless areas. This is simply not true. The forest planning process identifies management prescriptions and allocations for roadless areas. Project level plans (NEPA documents) merely implement those decisions made in the Forest Plan. The courts have upheld this Two-Stage Decision-Making policy implemented by the Forest Service. Why is this rule departing from that process and going beyond the precedence supported by the courts?

14. "Conservation" of Roadless Areas

The document repeatedly references the "Conservation" of roadless areas. In reality, the discussions in all chapters refers to protection and preservation of roadless areas. The proposal, alternatives, and discussion all lead to the concept of "preservation" and not "conservation." Conservation is more appropriately defined as the "wise use" of resources--not withdrawing them from use. The Summary, Page S-2, defines the importance of roadless areas for watershed and ecosystem health only. The resources in roadless areas must be identified as being important to community health in regard to stability, dependency, jobs, income, payments to states, etc. The proposed action leaves little discretion for management of resources in roadless areas.

15. Objectivity and Predecisional

The document appears very subjective and leans toward justifying the proposed action. Even agency actions have shaped this perception through the eighteen month moratorium and statements by the Vice President of the United States. The document strongly focuses (mostly in subjective terms) on the negative aspects of roads and timber harvest. Are there not positive effects of a transportation system and harvesting timber?

16. Funding

Many references are made that there is a significant backlog of road maintenance and more roads will further exasperate this. However, other references state that additional funding will be required and allocated to prescribed burning, thinning, mechanical treatments, etc. It appears that the Forest Service is choosing to ignore the need for increases in road maintenance funding and instead make a case that no more roads should be built or reconstructed.

17. Affected Environment and Environmental Consequences

Most of the environmental consequences discussions are merely a recitation or continuation of the Affected Environment. This creates a document without much substance on impacts and is considered "verbose" under CEQ Regulation 1502.15. In addition, the discussions are rarely supported by evidence to determine the magnitude of the effects.

18. Subjective Evaluations

Much of the environmental uses subjective jargon to describe effects. Words used include: small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc. These subjective evaluations are meaningless and provide no foundation of analysis necessary to make a decision of this magnitude.

19. Cumulative Effects

Most Cumulative Effects sections have critical omissions. The cumulative effects of catastrophic fires, insect and disease infestations, growing wildlife populations, increased recreational uses, etc. do not address the impacts to local communities, municipal water, community economies, public services (fire protection), liabilities, etc. Had the Forest Service consulted with local governments during the preparation of this Draft EIS, many of these impacts could have been addressed and disclosed. As it is, there is not enough information for local governments to assess the impacts of the alternatives on their communities. Finally, one of the most ignored cumulative effects relates to the statement that the Forest Service will not replace lost timber volume from other areas on the national forests. Instead, the makeup volume will come from Canadian imports and private ownership. The cumulative effects of this conclusion are not addressed.

20. Costs of Implementation

The Draft EIS suggests that little additional funding will be required to implement the Proposed Action. However, many associated costs pertaining to fire suppression, fuel reduction, mitigating impacts, planning, etc. are not sufficiently addressed. In addition, the Forest Service withdrew funding for FY2000 from every national forest to conduct this roadless analysis at the expense of producing local goods and services.

21. Misleading, Biased, and Value Based Statements, Assumptions, and Conclusions

The document is full of unsupported statements that mislead the reader into concluding that road construction, reconstruction, and timber harvest are destructive to the national forests. Examples extracted from the document include:

- A. "Roadless areas are better able to respond to natural disturbances" (not supported).
- B. "All three proposed rules seek to provide for long-term environmental sustainability, ensure collaboration with the public..." (collaboration was not used for this proposed rule).
- C. "More than half of the timber harvest volume is expected to be from clearcutting...Clearcutting is an important cause of biodiversity loss." This is misleading and contrary to other statements, such as, "Nationally, clearcutting has decreased from 31% of total harvest acres in 1989 to only 10% in 1997."
- D. "Unroaded areas are viewed as banks for future resource development" (not supported).
- E. "Roadless and other unroaded areas...are still the reservoir for future designated wilderness areas" (not supported).
- F. The section addressing cumulative effects states that roadless areas will be managed "...in

perpetuity unroaded." (Only Congress has the authority to decide on such an action).

22. Contradictions

The document is peppered with contradictory statements from one section to another. The following four examples are a small sample of the contradictions that can be found in the document:

- A. "...roadless and other unroaded areas...are still the reservoir for future designated wilderness areas." However, Page 2-17 concludes that the alternative of "Recommend All Inventoried Roadless Areas for Wilderness Designation" was eliminated from further consideration because "Most of the inventoried roadless areas in question have already been evaluated for wilderness in the land management planning process and it was determined for various factors that those areas should not be designated as wilderness."
- B. "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve 50% of National Forest System Lands in roadless character for a relatively small percent of the population that will use them?"
- C. "The benefiting user would build most of the roads prohibited in Alternatives 2-4."
- D. The Draft EIS Summary makes it appear that the Forest Service will allow road construction and reconstruction until Forest Plan revisions are undertaken. The DEIS closes the door for local officials to consider roads as a management option by adding the sentence "...local responsible officials could not authorize the construction or reconstruction of roads..."

23. Land Allocations

The document refers to special areas being designated for purposes of preservation, such as, conservation reserves, buffer zones, ecoregions, etc. that have no legal or regulatory standing in management of the national forests. Normally, the Forest Service employs the forest land management planning process to make determinations of land allocation with full public input and disclosure.

24. Reduced Timber Harvest Levels

The proposed action will further exasperate the continuing decline of available harvest levels. Many initiatives have been introduced the past decade that have not been disclosed through the NEPA process, such as, Draft Strategic Plan, ecosystem management, Northwest Forest Plan, and the Forest Service Natural Resource Agenda. Now the Roadless Area Conservation proposal is projecting another ten percent reduction in harvest levels. Cumulatively, these actions have resulted an a 50% reduction over the past decade.

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25. Mitigation

The only mitigation identified in the Draft EIS is to use Rural Development funding to off-set impacts to affected communities. However, using any form of Rural Development funding to mitigate impacts of the "Proposed Action" would create an inequitable balance among communities. For example, many of these dollars are allocated to communities for proactive rural development projects. Now the Forest Service comes along, makes an unpopular decision that will affect communities, and proposes to take funding from proactive communities to mitigate impacts. This is nothing more than "Stealing from Peter to pay Paul." There is no new money to offset the disclosed and undisclosed impacts from the "Proposed Action". Therefore, communities that are currently using this funding to diversify their economy, attract new businesses, or strengthen their resiliency will find themselves stripped of resources while attempting to be proactive.

26. National vs. Local Analysis

The Draft EIS many times references the fact that not enough information is available to assess impacts of the proposed action or alternatives on local communities and forests. This is sufficient reason that this decision must be made at the local level using the forest plan revision process and emphasizing participation of local governments, conservation districts, rural fire departments, and counties. A decision of this magnitude cannot be made at the national level and address all the potential impacts to local communities and national forests.

27. Summary Document

The Summary does not represent a true reflection of what is contained in Volume 1 of the Draft EIS. Critical omissions and rogue statements are found in the Summary that do not track with the parent document. For Example:

- A. The description of alternatives in the Summary omits critical information about the discretion local managers will have in deciding on the future disposition of roadless areas.
- B. The statement "No roads or trails would be closed because of these prohibitions" is misleading when reading the Summary. The parent document provides unlimited discussion on why roads should be obliterated and closed.
- C. In the Summary, the importance of roadless areas is defined for watershed and ecosystem health only. The available resources in these areas must be identified as being important to community health in regard to economics, stability, dependency, etc.

28. Insults to Classes of People

There are many statements in the document that appear insulting and discriminatory to various classes of people. They include logging and timber related professions, motorized users, and former and retired Forest Service employees. One example is that found on Page 3-169 stating

that "Should people lose the opportunity to engage in motorized recreation, the potential negative effects would include the inability of children to experience nature; increased likelihood that youth will get into trouble because of fewer worthwhile diversions; deterioration of mental health; undermining of economic livelihoods and culture; loss of family traditions and opportunities to experience family togetherness; and lost opportunities for future generations." This makes it sound as though people who engage in motorcycle, snowmobile, off-highway, or any other motorized recreational pastime are mentally and socially unstable as compared to those who prefer to rough it on foot.

It is inconceivable that a Federal agency would make the comments found on Page 3-190, about a class of people in the timber industry. The conclusions that the stakes in life are not a traditional lifestyle, but a route to a middle class lifestyle is preposterous. And drawing the conclusion that if "equivalent jobs were available these individuals would be happy to take advantage of them" is not the purview of the Forest Service. It is no wonder the public looks at government with little trust.

Finally, many inferences are made to past management of the national forests--that roadless areas were considered as "banks" for further development, past management has created many problems, and resources were exploited. Former and retired Forest Service employees had, and have, a commitment to management based on the best information and social demands at the time of their watch. To imply that past management decisions by these people had destructive intentions is an overreaching conclusion.

The question that begs answering is "What does the Forest Service think of other classes of people, such as ranchers, outfitters, business people, and community leaders?"



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Sublette County Conservation District
P.O. Box 36 - Pinedale, WY 82941

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USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

Dear Forest Service,

We, the Sublette County Conservation District, wish to respond to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

First of all, we, the Sublette County Conservation District, wish to go on the public record as being in opposition to the decisions made by the Executive Branch of the United States Government with regard to the Roadless Areas. This decision is just not acceptable. It flaunts many laws and we feel that our Government should obey its laws and not openly defy, deface and ignore them. You should be a good example not a perpetrator.

We would like to address the fact that **NO** local meetings were held in Pinedale, Wyoming with regard to the roadless area issues. *The Pinedale Ranger District office for the Bridger-Teton National Forest is located in Pinedale.* The roadless issues were not addressed on a local level in the form of public notice or meeting, thus, eliminating any opportunity for local citizens to have input in the federal process. Thousands of acres will be removed from public access due to the roadless initiative in the Pinedale area and no effort by the local forest service office was made to inform the public of this process. It is interesting to note that meetings were held in the surrounding districts, Big Piney and Marbleton, to address the above mentioned issues but **not** in Pinedale. We did hold a public meeting on road closings on January 12, 1995, and the results were just like those held in Riverton and Dubois, Wyoming: "No Road Closures". The Forest Service paid no attention to these results and in fact the Forest Service in the local newspaper misused the information.

It is interesting to note that the Forest Service has a budget designated for the destruction of existing roads or funding to block or close roads but does not have the funding to maintain existing roads located in non-roadless areas of the national forest. Presently many of the roads existing on the local forest are not maintained, have suffered damage due to erosion or lack of repair and are in poor shape. Large numbers of citizens wanting to access their public lands utilizes some of these roads. If these roads are not maintained the public will be denied even further access to their public lands.

The effects upon the local economies of the surrounding communities were not addressed, possibly due to the lack of the local Forest Service District Ranger neglecting to hold any public meetings. Consideration was not made with regard to how closing more of the national forest to public access would effect the livelihood of local citizens. Several businesses and individuals in the surrounding communities depend entirely or partially upon access to federal lands for their livelihood. By limiting access to roadless areas, activities such as woodcutting, sight seeing, timber harvesting and mineral exploration are drastically reduced and directly effect local citizens.

Management of Forest Service lands is accomplished with little or no regard to multiple-use policies. Multiple-use on forestlands should be the main emphasis of management plans taking into consideration local citizen input. Citizens should have access to their public lands independent of their health or physical condition, interests, etc. By excluding roadless areas to the construction of new roads a portion of the



19301

Sublette County Conservation District
P.O. Box 36 - Pinedale, WY 82941

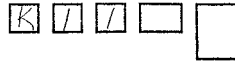
population is being denied access to their public lands, as they are not physically able to walk or hike great distances into specific areas. What kind of pressure will be put on the remaining so-called roaded areas?

In conclusion we hope it is obvious that what you are trying to do is just not right and this whole mess should be withdrawn and discarded. Whoever thought RARE II would be resurrected. Forest Management should be based on multiple use and its sound principles, not by the whims of a few politicians or preservationists. Renewable natural resources and of course our founding documents are responsible for this great nation and you are flaunting both of them.

Thank you.

Sincerely,

Daniel Walker, Chairman
Sublette County Conservation District



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Uinta County Commissioners

W. Robert Hubbard
Chairman
Greg B. Welling
Commissioner
Leonard E. Hye
Commissioner

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rules
P.O. Box 221090
Salt Lake City, Utah 84122

Dear Project Team Leader:

The County Commissioners of Uinta County, Wyoming, are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Senator Mike Enzi recently reported, "The U. S. Forest Service's proposed roadless rule was developed without meeting Federal Advisory Committee Act (FACA) requirements." Enzi further stated, "Instead, the Forest Service developed this rule in meetings with a small, insular group that represented only one limited interest." We agree with Enzi's comments, in that the Draft Environmental Impact Statement (DEIS) appears to be biased and predecisional supporting only the selection of the preferred alternative and the proposed action.

On February 12, 1999, the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest system. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses, all of which are vital to the daily life, economic well being and operation of Uinta County.

The Document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing objective analysis of all alternatives, issues, and effects. Again, we agree with Senator Enzi's claim that the agency violated the National Environmental Policy Act (NEPA), and we point out the lack of an appropriate amount of time for environmental-impact review, as required by law, as well as an inappropriate amount of time for public review, comment, and consideration of impacts.

The Draft EIS does not adequately address the impacts on Counties and local governments. The analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship, timber harvest, catastrophic fire, ecological factors,

wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on the significant lack of information that is necessary to adequately analyze and disclose effects.

The Document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas. Is the Forest Service willing to accept the risk of catastrophic fire and the resulting adverse effects which can be more destructive than planned management activities? The Agency considers the risk of road construction and timber harvest to be unacceptable. This makes absolutely no sense when considering continued Multiple Use of the National Forest, as provided for in the Multiple Use and Sustained Yield Act.

It is absolutely necessary to have open and continued access to the National Forests for fire control and prevention, weed control, and general public health, safety, and welfare. The document prevents almost all timber harvest, most economic forest insect and disease control, restricting fire protection activities and forest health efforts, grazing, developed recreation and even dispersed recreation, most of which takes place in proximity to roads.

There is a disturbing and pervasive bias in the Agency's analysis in favor of the preferred alternative. For example, although claims of recreational benefit are made for the massive roadless designation proposed, no data appear on the current recreational use of wilderness and current roadless areas-especially compared with roaded portions of the National Forest. A number of studies exist which show that most recreation, including dispersed recreation, takes place in proximity to roads. Yet, there is no mention of such data in the Draft EIS. Driving for pleasure is a major recreation use on the National Forests. The country's aging population, minorities and the disabled rely heavily on road-based recreation, but the Draft EIS is quiet on the potential effects on public use of transferring 43 million acres of the nation's public forest land to a permanent roadless classification. Have there been Civil Rights violations in the DEIS?

The DEIS violates the Forest and Rangelands Renewable Resources Planning Act and its supporting regulations. In addition to the items mentioned earlier, Section 6 (a) of the Act requires that the Agency coordinate revisions of land and resource management plans with the land and resource management planning process of State and LOCAL governments. This has NOT been done. Additionally, 36 CFR 219.7 (d) requires the agency to meet with representatives of LOCAL governments "at the beginning of the planning process to develop procedures for coordination." Here again, the Agency has been neglectful. (Emphasis added)

We conclude that the lack of a reasonable range of alternatives, the lack of adequate supporting data for each roadless area, defiance of legal requisites, and the apparent bias against a full display of the economic and social impacts of a massive roadless designation, stem from the Agency's totally inappropriate reliance on a narrow spectrum of special interest groups in proposing and formulating the rule. The result is an unbalanced proposal with misleading and inadequate analysis that fails to meet legal requirements.

Uinta County 205 North First Laramie, Wyoming 82001 307-783-0579 307-783-0578 fax

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

JUL-17-00 02:00 PM HENRY

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P. 04 17291

WASHAKIE COUNTY COMMISSIONERS

16185

Courthouse
P.O. Box 260
WORLD, WYOMING 82401

ALICE LASS, Chairman
WILLIAM "BILL" GLANZ, Member
VALE "JOHN" DENT, Member

Phone (307) 347-6491
Fax Phone (307) 347-9366

K 3 1 5

The Board of Uinta County Commissioners strongly urges the Agency to reconsider both the size and scope of the proposal. The alternatives in the DEIS violate existing statutes and regulations regarding management of the National Forests. Withdraw the proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local Forest Service personnel through normal land management planning processes. Then, local governments can play an active role as participants in the process

Thank you for the opportunity to comment on this issue of such importance to the counties and local governments of the United States.

Sincerely,

W. Robert Stoddard
W. Robert Stoddard, Chairman
Uinta County Commission

cc: Senator Mike Enzi
Senator Craig Thomas
Congresswoman Barbara Cubin

July 11, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Dear Forest Service:

The Washakie County Commissioners have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States. We have been involved with this process from the beginning, including public testimony.

The process has been flawed from the beginning. And now the Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgments on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence in provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

CHIEF WASHAKIE

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2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

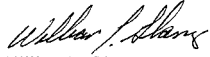
If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

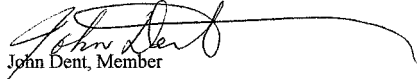
Sincerely,



Alice Lass, Chairman
Washakie County Commissioners

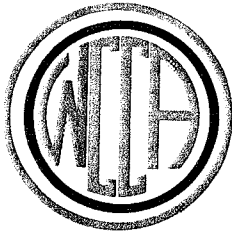


William L. Glanz, Member



John Dent, Member

The Washakie County Board of Commissioners attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.



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D L L I L F

Wyoming County Commissioners Association

Post Office Box 86
409 W. 24th St.
Cheyenne, Wyoming 82003
(307) 632-5409
Fax (307) 632-6533

TOM SATTERFIELD, President
R. TRACY RHODES, Vice President
JACK KNUDSON, Treasurer
JOSEPH M. EVANS, Executive Director

July 13, 2000

USDA Forest Service-CAET
P.O. Box 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, UT 84122

PAET RECEIVED
JUL 14 2000

Dear Forest Service,

The Wyoming County Commissioners' Association Commissioners (WCCA) has conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence in provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and

Roadless Areas Proposed Rule
Page two

circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

Tom Satterfield, WCCA President
County Commissioner
Fremont County, Wyoming

Enclosures:

cc: Art Reese, Director; Wyoming Federal Lands Policy Office
Senator Craig Thomas, Wyoming
Senator Michael Enzi, Wyoming
Congresswoman Barbara Cubin, Wyoming
Jeff Arnold, Legislative Director, National Association of Counties (NACo)
Mike Dombeck, Chief USDA Forest Service

The Wyoming County Commissioners Association attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.

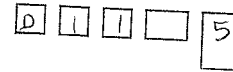


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Wyoming Association of Conservation Districts
2304 East 13th - Cheyenne, WY 82001 - Phone: (307) 632-5716 - FAX: (307) 638-4099

Certified Return Receipt Requested

July 12, 2000



CAET RECEIVED
JUL 17 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Dear Sir/Madam:

Below are the comments of the Wyoming Association of Conservation Districts, a nonprofit organization, representing Wyoming's 34 local Conservation Districts. Pursuant to W.S. 11-16-101 et. seq., local conservation district are responsible for enhancing and maintaining natural resources. WACD represents 170 elected officials who are responsible for providing leadership for natural resource conservation programs and issues in the state of Wyoming.

GENERAL COMMENTS:

1. WACD request that the DEIS be withdrawn until the litigation of Wyoming Association of Conservation Districts, et. al. vs. Environmental Protection Agency, et. al. is decided. This Roadless Initiative is yet another of the 111 key actions contained in the plan. The DEIS is nothing more than a feeble attempt to comply with National Environmental Policy Act. The alternative has been selected for some time. This is apparent in both language contained in the Clean Water Action Plan (pg. 34-35) and statements issued by the Administration. In addition, this is one of the items listed on the Administrations CWAP web site under "What's New". This solidifies that this is an action contained in the CWAP.

2. In the absence of withdrawal of the DEIS, WACD is formally requesting an extension to the comment period for the DEIS of 5 months. The Forest Service Roadless Area Conservation Draft Environmental Impact Statement was issued on May 11, 2000. The documents are in excess of 700 pages. With a comment deadline of July 17, this provides the local governments a mere 67 days to read and comprehensively review this document that will affect virtually all citizens within local communities in and around Forests. This is unacceptable.

CHAPTER 1--PURPOSE OF AND NEED FOR ACTION

COMMENTS ON CHAPTER 1

Introduction

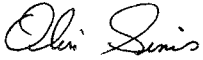
1. **Comment: Page 1-1, 1st paragraph--** The introductory paragraph makes it sound as though inventoried roadless areas on National Forest System lands are the only areas in the United States

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

Relief: The only option open is for the Forest Service to withdraw this proposal and start over. They must insure that legal and appropriate consultation and coordination with local governments takes place.

Again, WACD would strongly reiterate its position that the DEIS on the Roadless Initiative be withdrawn.

Sincerely,



Olin Sims
President

Cc: Wyoming's Conservation Districts
Senator Craig Thomas, Wyoming
Senator Michael Enzi, Wyoming
Congresswoman Barbara Cubin, Wyoming
Governor Jim Geringer, Wyoming
Ernie Shea, Chief Executive Officer National Association of Conservation Districts
Ron Micheli, Director Wyoming Department of Agriculture
Mike Dombeck, Chief USDA Forest Service

The Wyoming Association of Conservation Districts attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.



TOWN OF HULETT

BOX 278, HULETT, WYOMING 82720
TEL (307) 467-5771 • FAX (307) 467-5442
INTERNET ADDRESS: toh@trib.com

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FACT RECEIVED

JUN 17 2000

USDA Forest Service, CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

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Dear Planners:

The proposed roadless areas rule is bad for Hulett, bad for Wyoming, bad for the nation. Instead of being based on good science and exhaustively complete research and resources, the proposal simply builds on hand-picked studies that support the perceived need for "national level direction" on roadless areas.

Hulett has a vested interest in keeping the fire danger in surrounding areas to a minimum. The proposed rule would increase fire danger to land, property and people in Hulett's area of jurisdiction by making it more difficult for the Forest Service and local fire department personnel and equipment to access "roadless" portions of the Forest. The fewer passable roads, the harder it will be for firefighters to bring wildfires under control, and the threat to the surrounding area will be significantly heightened. Also, since active management through timber harvest and thinning will be decreased, fuel loads will build to dangerous levels, increasing the fire risk in those hard-to-access areas. In this way, the proposed rule will have a very real adverse economic and social impact to Hulett.

Hulett is a resource-dependent community. It depends heavily upon timbering, ranching and recreation on the nearby Black Hills National Forest. The "unroading" of existing roaded areas and the inability to construct new roads on the Forest will have a direct adverse impact on the historic economic and cultural uses of our national forest land. The continued multiple use of the Black Hills National Forest will not be possible.

We are highly offended by the characterization of individuals employed in the timber industry. The assertion that a timber-dependent community lacks long-term economic stability, and that the tourism promoted by protection of roadless areas can provide "more stability" is wholly unsubstantiated and undocumented. There was no specific evidence provided in the DEIS that additional economic benefit and stability will result for communities like Hulett as a result of "the protection of roadless areas". In fact, if traditional uses of the Forest decrease because of decreased access, it stands to reason that, over time, tourism in the area may even decrease. Tourism's benefits will be a mute point anyway if Hulett no longer exists due to the cumulative economic and social impacts of the roadless plan and the other federal directives that are presently proposed.

We strongly recommend that the Forest Service throw out its current proposal. We are in strong opposition of the proposed plan, the unsubstantiated claims that it makes, and the way it evolved.

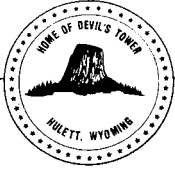
Sincerely,

John McPartland Mayor John McPartland/Mayor

Brian Kennah - Brian Kennah/Council

Mary Flanderka Mary Flanderka/Council

Vivian Odell Vivian Odell/Council



TOWN OF HULETT

13963

BOX 278, HULETT, WYOMING 82720
TEL (307) 467-5771 • FAX (307) 467-5442
INTERNET ADDRESS: toh@trib.com

Resolution Roadless Initiative

WHEREAS, the Hulett Town Council would like to make a statement in reference to the Forest Service roadless initiative and:

WHEREAS, our small town has thrived on the harvesting of timber and our loggers have done an exceptional job managing their logging and:

WHEREAS, our fire department has been called to many fires caused by lightning and have utilized the roads built by the loggers without such, the forest could have been consumed by the fire.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY THAT WE strongly recommend that the Forest Service throw out its current proposal for the good our economic future and the general public. We oppose the current plan.

This Resolution was adopted this 11 day of July 2000

Mayor John McPartland John McPartland
 Councilwoman Mary Flanderka Mary Flanderka
 Councilman Brian Kennah Brian Kennah
 Councilwoman Vivian Odell Vivian Ann Odell