

## **Chapter 8 Cumulative Effects Analysis**

This chapter presents public comment concerning the impacts and effects of the numerous concurrent planning processes and rulemakings. Section 8.1 covers public comment on the relationship between the proposed rule and other planning processes and current rulemaking initiatives. Section 8.2 covers public concerns regarding the adequacy of the cumulative effects analysis of the proposed rule, both independently and in combination with other current planning processes, rulemaking initiatives, and environmental legislation.

### **8.1 Relationship to Other Forest Service Planning Processes and Proposed Rules**

Many respondents raise a number of concerns over the relationship between the proposed rule and other planning processes, plans, and projects. Although some say they do not see any conflict between these concurrent national initiatives, the majority of those who comment on this topic believe the Forest Service should present a more detailed explanation of how they interrelate, and what their cumulative effects will be. Indeed, this concern makes up one of the common themes running through public comment on the proposed rule.

In particular, many respondents express concern over the relationship between the proposed rule and the two concurrent national rulemakings, the proposed revisions to the Planning Regulations and the proposed Road Management Rule. A great many writers question the proposed rule's relation to the forest planning process in light of provisions outlined in the Planning Rules.

Others question the relationship of the proposed Roadless Area Conservation rule with a specific regional or interagency planning effort, such as the Interior Columbia Basin Ecosystem Management Project and local Habitat Conservation Plans. Finally, a number of writers question the relation between the proposed rule and whole lists of other ongoing planning initiatives. Many discuss the interrelationship between all three national rulemakings. As one respondent puts it, "It is not possible at this time to fully understand the interaction and potential ramifications of the Roadless DEIS, Road Management Plan, Planning Rule, and Strategic Plan plus any future policy documents or rules that may arise while these documents are under review. It is unreasonable to expect the public to read and fully understand the overall management direction of the agency by looking at the individual documents in piecemeal."

Respondents suggest two different ways to address potential conflicts and overlapping efforts created by the 3 national rulemakings: 1) to address them sequentially; and 2) to integrate them. According to the first suggestion, the Forest Service ought to propose rules in a logical sequence. "There are two consequences of this concurrent, disjointed approach to rulemaking. The Draft EIS mentions the first of these -- that some or all of these proposals may have to be changed to integrate the policies from the others. Thus, changes in the final planning amendments...would affect the substance of the roadless initiative or the transportation policy. Likewise, changes in either of the road policies would affect the regional plans. By floating these proposals

concurrently, instead of in logical sequence, the agency is wasting considerable time and money on developing proposals that may have to be changed,” maintains one writer.

Another respondent argues that “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 forest managers to decide on the criteria needed to manage, protect, or preserve certain areas through the forest planning process.” Some also suggest that the proposed rule should not proceed until disagreements over certain terms and definitions have been settled.

The other suggestion respondents make is that the Forest Service integrate the proposed rule with other concurrent initiatives. In fact, according to one view no formal integration is required inasmuch as the proposed rule’s objectives are already being met by other policies. Some writers suggest, for example, that the “proposed rule for a long-term transportation policy eliminates any need for a separate policy on roadless areas. . . .The transportation policy adequately covers road and roadless related issues, [hence] inclusion of the procedural alternatives in this rule is redundant and confusing.”

Another respondent notes that according to the Draft EIS, the Forest Service may yet integrate and clarify provisions within the Land and Resource Management Planning Rule, the Transportation Policy, and the Roadless Area Conservation Proposed Rule to ensure consistency, clarity, and effectiveness. “While this seems prudent,” asserts this writer, “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.”

Finally, another respondent notes that the Forest Service is proposing to maintain in perpetuity the roadless character of all inventoried roadless areas, and is proposing to require additional evaluations at the time of forest plan revisions for uninventoried unroaded areas. If these proposals are adopted, this writer argues, “The regulations relevant to making decisions on uninventoried unroaded areas would be strewn across three different parts of the C.F.R., plus several sections of the Forest Service Manual. This would create chaos and confusion for those Forest Service employees and those members of the public who must try to figure out what studies are required, and what the decision-making standards are, to construct a road in a currently unroaded area in a national forest.” The problem, according to this writer, is that the proposed management of roads in unroaded areas has been arbitrarily divided into different proposals, hence the result will be confusion and misunderstanding over how decision making should proceed.

In summary, respondents are concerned over the proposed rule’s relationship to other planning projects. They stress the need for a coherent analysis of the relationship between all the various planning efforts and their cumulative effects, and suggest either that the initiatives be presented

in a more logical sequence or that they be systematically and coherently integrated. On a more detailed level, one writer asks that the Forest Service evaluate the current forest plan direction for each roadless area.

**Public Concern: The Forest Service should elucidate the relationship between the proposed rule and concurrent rulemaking initiatives.**

**RELATIONSHIP TO THE ROAD MANAGEMENT RULE**

There is confusion about where the Transportation Policy and Roadless area Conservation decision overlap. (County Elected Official, Quincy, CA - #16184.72220)

It is true [that] the National Forests contain thousands of miles of roads -- some surplus and not needed and many in need of maintenance and improvement. This issue is being addressed with the proposed NFS Road Management and Transportation System Rule. Road management strategies to be implemented by the Forest Service could come from this process. The road management rulemaking should be completed before any further rules are proposed. (Recreational Organization, Wenatchee, WA - #43201.72220)

If the Roads Policy is finalized, there may be additional requirements imposed before these exceptions can be utilized, including an EIS, transportation analysis, and approval of the regional forester. There must be consistency between the two policies. (Environmental/Preservation Organization, Asheville, NC - #43412.72220)

**RELATIONSHIP TO FOREST PLANNING REGULATION REVISIONS**

A charge made at the June meeting was that the Forest Plan Amendments and Roadless initiatives conflict. I have read important portions of both and I am pleasantly surprised how well the Forest Plan Amendments carefully weaves in whichever Roadless Alternative is selected, especially 3 or 4. (Individual, Twain Harte, CA - #29869.72230)

THE PROPOSED ROADLESS AREA RULES ARE INCONSISTENT WITH THE PLANNING RULES' PROVISIONS ON CONSISTENCY WITH FOREST PLANS AND THE NEED FOR PLAN AMENDMENTS. Existing forest plans allow roads in 33.8 million acres of inventoried roadless areas in which the roadless area rules propose to override forest plans without any consistency determination or forest plan amendment. This is unlawful under the NFMA and the Statewide Wilderness Acts. By not making consistency determinations or completing plan amendments, the roadless area rules also are contrary to the proposed forest planning rules. The proposed planning rules prohibit implementation of any new policy (including the roadless area policy): (1) until it has been found to be consistent with the forest plan; or (2) if it is not consistent, until the Forest Service analyzes the effects of possible plan amendments and amends the forest plan to permit implementation of the policy. SEE 64 Fed. Reg. 54099-101, proposed 36 C.F.R. 219.6-219.10.

Thus, the direction of the roadless area rulemaking (that forest plans can be ignored) is fundamentally inconsistent with the approach of the forest planning rules (that forest plans are controlling). The Forest Service must address this fundamental inconsistency in approach before proceeding further on the roadless area proposal. The proposed planning rules allow "roadless areas" to be designated only "through the [plan] amendment or revision process," 64 Fed. Reg. 54107, proposed [section] 219.27(a). This confirms that the roadless area proposal concerns precisely the type of multiple use decisions that should be made through forest planning. Thus, in this way as well, the proposal to designate roadless areas through rulemaking and without amending the forest plan is inconsistent with the proposed planning rules. (Timber Association, Eugene, OR - #15879.72210)

The roadless area rulemaking conflicts with this Administration's proposed forest planning rules. The proposed planning rules confirm that all land use direction must be included in an integrated, updated forest plan, 64 Fed. Reg. 54108-09 (Oct. 5, 1999), proposed [sections] 219.30 and 219.31. The Forest Service should correct the inconsistency by either abandoning the misguided roadless area proposal, or by conducting the plan amendments clearly required by the NFMA and Forest Service policy. LACK OF SCIENTIFIC ANALYSIS AND

JUSTIFICATION. The agency's proposed planning rules emphasize the role of science and the need for detailed analyses before taking actions affecting the National Forest System. SEE 64 Fed. Reg. 54095-54112 (Oct. 5, 1999), particularly proposed [sections] 219.2, 219.8, 219.19-219.24. Those sections emphasize the need for scientific "assessments," for "science consistency evaluations," and for a strong role of "scientists in planning."

Yet, the Forest Service is proposing permanent prescriptions for 54.3 million roadless acres without providing: (1) a convincing scientific explanation as to why each and every roadless acre must be kept roadless; or (2) a roadless area-by-area analysis of that prescription's impacts on issues such as protection of the forest against fire and disease, providing sufficient roaded recreation in the future, meeting future needs for timber and mineral resources, public desires for the use of each roadless area, etc. Thus, this rushed rulemaking on roadless areas is inconsistent with the study and analysis objectives in the contemporaneous planning rulemaking. (Timber Association, Eugene, OR - #15879.72210)

Consistent with 16 U.S.C. [section] 1604(h), a Committee of Scientists helped to shape the proposed planning rules. SEE 64 Fed. Reg. 54075 (Oct. 5, 1999). A Committee of Scientists has not been consulted on the roadless area rules. The Forest Service should not proceed further with the roadless area rules until a Committee of Scientists reviews them: (1) to determine whether there is an objective biological need for a roadless area rulemaking of this magnitude; (2) to provide advice on whether broader exceptions from the roadless area policy should be allowed to protect forest health; and (3) to remove or minimize the conflicts between the roadless area and planning rules.

LACK OF SITE-SPECIFIC ANALYSIS. Other sections of the proposed planning rules require site-specific environmental and economic analysis in plan amendments before changing the direction of the forest plan. SEE 64 Fed. Reg. 54098-109 (Oct. 5, 1999), proposed [sections] 219.3-219.10, 219.20, 219.21, 219.30, 219.31. The lack of site-specific analysis of the effects of the roadless area rules on forest health and other resource values is another way in which the roadless area rulemaking is inconsistent with the Forest Service's own proposed planning rules. The Forest Service should resolve all of these inconsistencies in approach before proceeding further with the roadless area approach. (Timber Association, Eugene, OR - #15879.72210)

The roadless area rulemaking is inconsistent with the planning rules' requirements that all land use direction be incorporated into the forest plan. Though the roadless area rulemaking would prohibit certain land uses in 28% of the National Forest System (the acreage in inventoried roadless areas), the rulemaking proposes to not incorporate this land use direction into the forest plans through a plan amendment or revision. As a result, when the public consults the forest plan that is the controlling document under the NFMA, the public will have inaccurate information on the allowed uses on at least 33.8 million acres of the National Forest System. (Timber Association, Kalispell, MT - #53304.72210)

I believe the Forest Service must modify its current proposal and support Prohibition Alternative 1 and Procedural Alternative A because the preferred alternative would undermine its own planning and decision making processes and essentially render forest plans meaningless. The tens of millions of taxpayer dollars spent in developing forest plans and in encouraging public input on land allocations in a particular national forest will be wasted if any Administration may freely disregard forest plans by adopting a politically expedient rulemaking. The rulemaking sends a message to the public that it is worthless to expend their energy in helping to develop an acceptable forest plan, because the agency can alter the agreed-upon forest plan on a whim through rulemaking. It would reduce the integrity of the forest planning process and reward extremist, anti-timber groups and their willingness to compromise. (Individual, Isle La Motte, VT - #50619.72100)

The NFMA [National Forest Management Act] requires that, once the governing forest plan has been prepared at great public expense, all "resource plans... and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans," 16 U.S.C. [section] 1604(i). This proposed rule fits squarely within the meaning of [section] 1604(i) because it provides a long-term "resource plan" (no roads) for over 50 million acres of inventoried roadless areas in the National Forest System. The proposal also is subject to the [section] 1604(i) "consistency" requirement because it would control the "use and occupancy" of roadless areas. 16 U.S.C. [section] 1604(i).

Thus, under the plain language of [section] 1604(i), the roadless area rulemaking could take effect immediately only where it is "consistent" with the 124 forest plans the Forest Service has formally adopted. The rulemaking is INCONSISTENT with the governing forest plans because it would CHANGE MANAGEMENT DIRECTION on "33.8 million acres of inventoried roadless areas" - the acreage where the existing forest plans allow "road

building,” but where the rulemaking would override the plans by prohibiting roads and road-dependent multiple uses. (Mining/Oil Company or Association, Washington, DC - #52224.72200)

#### **RELATIONSHIP TO THE INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT**

The effects of the Roadless DEIS and Proposed rule are in direct conflict with the science developed for the Interior Columbia Basin Ecosystem Management Project. The integrated scientific assessment for ecosystem management in the Interior Columbia Basin and portions of the Klamath and Great Basins (Quigley, Haynes, and Graham, 1996) and an assessment of ecosystem components in the Interior Columbia Basin and portion of the Klamath and Great Basins (Quigley and Arbelbide, 1997) concluded that there is a need to “aggressively restore ecosystem health through actively managing resources.... vegetation management to improve the likelihood of moving toward or maintaining ecosystem processes that function properly in the long-term. Vegetation management ... to reduce risks...that can result from large disturbance events”....One of the primary conditions identified was the overstocked condition of the forested land....(Integrated Scientific Assessment, p 138). (Individual, Colville, WA - #13519.23000)

#### **RELATIONSHIP TO LOCAL HABITAT CONSERVATION PLANS**

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 be unilateral. (County Agency, Pahrump, NV - #16093.72230)

#### **RELATIONSHIP TO MULTIPLE OTHER INITIATIVES**

The Forest Service has failed to provide an understanding of how this Draft EIS and rulemaking relates to the proposed forest planning regulations or 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. (County Elected Official, Eugene, OR - #17252.72200)

We believe these forest planning regulations, the development of a national road management policy, a new policy on watershed approaches to land management, together with regional planning efforts for the Interior Columbia Basin and the Sierra Nevada rulemakings are merely subparts of a single, major federal action led by the Forest Service. Our view is strongly supported by the unprecedented degree of linkage and overlap among the various proposals. Ironically, Mike Dombeck, Chief of the Forest Service, shares our view. In a letter dated June 30, 2000 to Forest Service employees, he stated, “Both the roads and roadless proposals dovetail with the proposed planning rules . . .” and, “These proposals and policies are reflected in our strategic plan and flow directly from the Forest Service Natural Resource Agenda. (Mining Association, Spokane, WA - #14725.72100)

A comprehensive evaluation and presentation of the complete agency management vision needs to be prepared and presented to the public that fully explains the potential cumulative impacts to the public of all of the major agency documents undergoing review and promulgation at this time. It is not possible at this time to fully understand the interaction and potential ramifications of the Roadless DEIS, Road Management Plan, Planning Rule, and Strategic Plan plus any future policy documents or rules that may arise while these documents are under review. It is unreasonable to expect the public to read and fully understand the overall management direction of the agency by looking at the individual documents in piecemeal. This approach leads to further erosion of trust when the public is surprised by changes resulting from this combination of administrative plans and rules. (Recreational Organization, Los Alamos, NM - #5663.72100)

The NEPA procedures require EISs to discuss the authority for the proposed action and possible conflicts between that authority, the proposed action and the objectives of other federal, regional, state and local land use plans, policies and laws. The EIS must consider the statutory, regulatory and executive order procedural evaluation requirements for the promulgation of the roadless and other proposals affecting Forest Service roads. (Mining Association, Reno, NV - #15907.72000)

There are several recent Forest Service initiatives that are indirectly related to the proposed rule including: 1) Proposed Regulations for the Recovery of Costs for National Forest Permits, 64 Fed. Reg. 66341 (November 24, 1999); 2) Notice of Draft Forest Service Strategic Plan (2000 Revision) which would establish ecosystem preservation as the primary goal in national forest management, 64 Fed. Reg. 66874 (November 30, 1999); 3) Proposed Unified Policy for ensuring a Watershed Approach to Federal Land and Resource Management to Provide Special Protection to Watersheds in the National Forest System, 65 Fed. Reg. 8833 (February 22, 2000). Also, other Forest Service regulatory proposals are appearing which relate to the subjects of the proposed rule. For example, Region 3 of the Forest Service has proposed a supplement to the Forest Service Manual (Part 2540) to restrict groundwater development in national forests and to restrict access over national forest lands for groundwater development and production from other lands, 65 Fed. Reg. 14238 (March 16, 2000). We understand that the Forest Service Headquarters is preparing instructions to other Forest Service Regional Offices to prepare similar supplements to the Forest Service Manual. It is within the setting of that multitude of Forest service access, land and water use restriction proposals that the impacts of this proposal must be considered. (Mining Association, Reno, NV - #15907.72100)

### **SPECIFIC FOREST PLANS**

Please disclose how you will achieve the Medicine Bow National Forest forest plan objectives as described in the "Tie Camp timber sale" EIS if you adopt your proposed policy. The Tie Camp project proposed to enter areas adjacent to the Coon Creek and Encampment River "roadless areas" noted above. As the Medicine Bow National Forest disclosed in the "Tie Camp Timber Sale" EIS, mortality is exceeding growth in many of the stands in the analysis area....To achieve forest plan objectives the Medicine Bow needs to be able to manage the stands within areas included in your proposal. (Business, Laramie, WY - #27809.72230)

What is the maintenance backlog for roads on the CNNF [Chequamegon-Nicolet National Forest] both in dollar value and in miles of roads? How will this proposed rule impact those areas being considered for special management designation in the forest plan revision? (8.e, 8.f, 8.g) Will RNA's, SMA's and old growth be in 'competition' with roadless areas? Which will take precedence? (Individual, No Address - #17279.72200)

### **Public Concern: The Forest Service should complete the concurrent national rulemakings in a logical sequence.**

...the proposed transportation policy will have an impact on the roadless initiative, and vice versa. The transportation policy proposes to emphasize the de-commissioning of old roads and making the approval of new roads much more difficult. It emphasizes a "minimum transportation system" in and through the national forests. With a minimum system in one part of the national forest and a complete ban on roads in most of the rest, it is easy to assume that access to and through national forests will be severely restricted. Finally, both the roadless initiative and the transportation policy proposal will impact the regional proposals. Yet the development of these regional land management proposals continues as if these two road proposals did not exist. There are two consequences of this concurrent, disjointed approach to rulemaking. The draft EIS mentions the first of these--that some or all of these proposals may have to be changed to integrate the policies from the others. Thus, changes in the final planning amendments (if indeed they become finalized and withstand the inevitable court challenges) would affect the substance of the roadless initiative or the transportation policy. Likewise, changes in either of the road policies would affect the regional plans. By floating these proposals concurrently, instead of in logical sequence, the agency is wasting considerable time and money on developing proposals that may have to be changed. (Business, Bozeman, MT - #43196.72220)

### BY ADOPTING THE PLANNING RULES FIRST

THE PROPOSED ROADLESS AREA RULES ARE INCONSISTENT WITH THE PROPOSED PLANNING RULES. The proposed rules regarding future management of roadless areas in the National Forest System (65 Fed. Reg. 30276, May 10, 2000) are inconsistent with the proposed rules regarding forest planning in the National Forest System (64 Fed. Reg. 54074 (Oct. 5, 1999)). As will be developed below, the two sets of rules are fundamentally incompatible and are inconsistent in several important ways. It would be arbitrary for the Forest Service to simultaneously adopt the divergent approaches of the two rulemakings. The Forest Service should follow a rational order in deciding which rules to publish first, and should follow a hierarchy among the Forest Service's many proposed rulemakings. The most rational approach would seem to be: (1) to first decide the overall system for forest planning and multiple use decision making in final 36 C.F.R. Part 219 planning regulations; (2) only then should the agency consider adopting rules for specific areas (such as roadless areas); and (3) the agency should ensure that the specific area rules are consistent with the framework and approach of the final forest planning rules. Thus, we urge that the roadless area rulemaking be abandoned or postponed for now, and considered only if and when final Part 219 rules have been adopted. (Timber Company or Association, Eugene, OR - #15879.72210)

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 forest 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. (County Elected Official, Sheridan, WY - #51045.72210)

The Forest Service has recently proposed two other regulations and policies that address the management of the road and transportation system within the National Forest System. These other two proposed policies are the Proposed Land and Resource Management Planning Rule and the Proposed Road Management Rule and Policy. Without these proposed rules and policies in final status, none of what is proposed in the Preferred Alternative of the DEIS, or in the proposed rule to amend 36 CFR, can be considered for comment in appropriate context. These proposed policies are inter-dependent and you continue to put the cart before the horse in proposing one policy after another that depends on the finalization of the preceding Proposed Land and Resource Management Planning Rule. We formally request, once again, that there be a withdrawal of all new policy proposals until after the new Forest Planning regulations are final and a 60 day public comment period regarding that final rule is accomplished.

None of the subsequent policy proposals regarding Roads Management and Transportation Planning, as well as the Roadless Area Conservation proposed policy, can be implemented without new and final Land and Resource Management Planning Regulations. Even public comment is premature without the context of final new Planning Regulations in place and for reference. (Business Association, Beaverton, OR - #52230.72100)

### **PUBLIC CONCERN: BY WAITING UNTIL TERMS AND DEFINITIONS IN THE TRANSPORTATION POLICY ARE ADOPTED**

The EIS adopts the definition of roads as classified and unclassified. This has been challenged [and] has not been resolved. These definitions have been appealed under the Interim Road Rule and until both of these issues are resolved the Forest Service should not use these definitions in the EIS. (Individual, Vanci, WA - #15246.32100)

Each pending rule depends on the others and needs to be analyzed in the context of those other proposals. However, since the other documents have not been completed, we can't know what they will ultimately decree. Simple changes in one could have sweeping impacts on the effects of the others. An example of this is the definition of a road. The initial Road Management Strategy and the Roadless Area Conservation DEIS define a road as "a motor vehicle travel way over 50 inches, unless classified and managed as a trail." Because trails, including motorized

trails, are exempted from the proposed definition of a road and because motorized recreation is not precluded in Roadless areas under the current DEIS, we anticipate that the radical anti-access groups will be pressing to amend the definition of a road. Since their input was used to formulate this initiative, it is entirely conceivable that the definition will be changed in the final version of the Road Management Strategy, having a significant impact on OHV recreation under this Roadless Area Conservation proposal. However, until these decisions are made, it is impossible to analyze and make comment on certain implications of the Roadless rulemaking. (Business/Business Association, Arlington, VA - #43882.72100)

## **Public Concern: The Forest Service should integrate the proposed Roadless Area Conservation Rule with other concurrent rulemaking initiatives.**

### **WITH THE TRANSPORTATION POLICY**

There is no consistency between the roadless area policy and the long-term transportation policy. We believe that proposed rule for a long term transportation policy eliminates any need for a separate policy on roadless areas. Again, forest managers already have the authority to not build roads. The transportation policy adequately covers road and roadless related issues, and inclusion of the procedural alternatives in this rule is redundant and confusing. The transportation policy directs the Forest Service to analyze a wide variety of issues regarding roads, including plant and animal effects, threatened and endangered species, dispersed recreation, the utility of roadless areas for research, etc. While we disagree with many aspects of the long term transportation policy, it does provide appropriate direction for natural resource professionals to consider roadless values as they contemplate building new roads. Philosophically, this seems like a sensible policy for every acre of national forest land, not just roadless areas, but the roadless values must be values that can be directly attributed to not having a road not generalities that may or may not pertain to having a road as described in your rule. Before a land manager makes a decision about building a road, they should ensure that they are making the right decision that most benefits the resource and the users of the national forests. We hope the transportation policy will be modified based on our comments, however, giving the local manager guidance and letting that manager make the best decision for that unique area is appropriate. We also hope that the Forest Service ensures that the transportation policy will take precedence over all road related initiatives. The philosophy, if not the substance, behind the transportation policy makes sense. (Professional Association, Anchorage, AK - #43416.72220)

### **WITH THE PLANNING RULES**

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. (State Agency, Saint Paul, MN - #43999.72100)

### **WITH MULTIPLE OTHER RULES**

The Forest Service has arbitrarily divided a set of inextricably intertwined policies concerning the same lands (currently unroaded lands in the National Forest System) and the same subject matter (providing future direction regarding road construction in such unroaded areas) into three separate proposals for separate analysis. The three interrelated and simultaneously-pending proposals are: (1) proposed rules for roadless areas of the National Forest System (65 Fed. Reg. 30276 (May 10, 2000)); (2) proposed rules and Forest Service Manual provisions on road management and road transportation policy in the same roadless areas (65 Fed. Reg. 11676 (March 3, 2000)); and (3) proposed rules on forest planning in the National Forest system (64 Fed. Reg. 654074 (Oct. 9, 1999)). (Timber Association, Eugene, OR - #15879.72100)



THE POLICIES ON ROADS IN UNROADED AREAS HAVE BEEN ARBITRARILY DIVIDED INTO THREE PROPOSALS - In one proposal, the Forest Service has proposed to maintain in perpetuity the roadless character of all inventoried roadless areas, 65 Fed. Reg. 30276, 30288 (May 10, 2000), proposed 36 C.F.R. [section] 294.12. If that rulemaking had stopped there, it would have addressed a distinct subject. But the roadless area rulemaking goes on to require additional evaluations during the revision of each land use plan for UNINVENTORIED unroaded areas, 65 Fed. Reg. 30288, proposed [section] 294.13. If all three proposals are adopted, the regulations relevant to making decisions on uninventoried unroaded areas would be strewn across three different parts of the C.F.R., plus several sections of the Forest Service Manual. This would create chaos and confusion for those Forest Service employees and those members of the public who must try to figure out what studies are required, and what the decision making standards are, to construct a road in a currently-unroaded area in a national forest.

One logical question is: With respect to analyzing road and roadless issues during revision of forest plans, is all the relevant material in the forest planning regulations? The answer would be NO. If these proposals are adopted, the Forest Service and public must consult three different parts of the C.F.R., plus the Forest Service Manual, to understand what types of evaluations of uninventoried unroaded areas will be conducted during revision of a forest plan. (Timber Association, Medford, OR 13658.50000)

### **Public Concern: The Forest Service should evaluate the current forest plan direction for each roadless area.**

As a member of the timber industry who does business with the USFS in Colorado, particularly on the Grand Mesa, Uncompahgre and Gunnison National Forest (GMUG) and the White River National Forest (WR), I would request that the USFS analyze the [forest plan directions for each specific roadless area] identified in this Roadless Area Conservation Proposed Rulemaking change. (Timber Company, Montrose, CO - #13091.70000)

## **8.2 Cumulative Effects**

This section presents public concerns over the cumulative effects of the proposed rule. Section 8.2.1 addresses concerns over the cumulative effects of the proposed rule in combination with other policies, plans, and existing environmental legislation. Section 8.2.2 addresses concerns over the adequacy of the cumulative effects analysis in the Draft EIS.

### **8.2.1 Cumulative Effects with Policies, Plans, and Programs**

Many respondents believe the Forest Service should conduct a comprehensive cumulative effects analysis of the proposed rule with other policies, plans, and existing environmental legislation. In particular, respondents note the need for such an analysis with respect to a particular initiative of concern to them, such as the Road Management Rule or the Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management. Most who comment on this topic, however, assert the need for a cumulative effects analysis for the proposed rule in combination with a list of multiple other initiatives. As one writer puts it, “The cumulative effect of the proposed forest planning regulations, road management policy and roadless area conservation rule should be analyzed, revealing to the American people what the cumulative impacts of the major changes in policy mean.” Other writers mention the Sierra Nevada Framework, the Clean Water Action Plan, and regional wilderness plans.

A number of writers also point to the need for a cumulative effects analysis of the proposed rule with existing environmental legislation, such as the Threatened and Endangered Species Act and

the Clean Water Act. Additionally, some respondents wonder what the impacts of the proposed rule will be “with other withdrawals of National Forest lands including those for National Monuments, wilderness areas, wild and scenic river areas, Forest Service natural areas and others.”

Finally, a number of writers believe that site-specific analyses should be conducted for each roadless area with respect to various factors. Because these concerns are identified elsewhere in this document according to the resource at issue, they are not repeated here. It should be noted, however, that requests for site-specific analyses are common and some writers list a number of specific areas for which they would like to see such analyses conducted.

**Public Concern: The Forest Service should analyze the cumulative effect of the proposed rule with concurrent proposed rulemaking initiatives and current environmental legislation.**

**WITH THE ROAD MANAGEMENT RULE**

The cumulative intent of these rules is not being clearly disclosed to the public by going about things in this fashion. The cumulative effects analysis in the DEIS on pages 3-240 to 3-243 is very inadequate. The analysis underplays the effects of the emphasis placed on road closures, prohibitions on road building, new requirements for analysis and special emphasis on the maintenance of roadless characteristics in the road rule and the cumulative effect this will have when coupled with the roadless rule. (Individual, Kalispell, MT - #30418.70000)

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. (State Elected Official, Helena, MT - #19289.72220)

**WITH THE UNIFIED FEDERAL POLICY FOR ENSURING A WATERSHED APPROACH TO FEDERAL LAND AND RESOURCE MANAGEMENT**

The Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management proposed policy in the February 22, 2000, Federal Register is commendable. It announces the intention of the Department of Agriculture and the Interior to develop a unified Federal policy for watershed management in consultation with other Federal agencies, States, Tribes and interested stockholders. As the proposed roadless rule deals directly with public watersheds. I see relationships coming forth out of the roadless rulemaking proposal presenting problems, particularly in restoring watersheds without access and expanding collaboration among States, Tribes and interested stockholders. (Individual, Annabella, UT - #43212.72200)

**WITH BOTH CONCURRENT NATIONAL RULEMAKINGS**

The cumulative effects analysis is completely 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, revealing to the American people what the cumulative impacts of these major changes in policy truly are, including economic effects. A significant problem is the failure to provide the public with a basis for evaluating the impact of the proposal. The data, scientific methods, and other information relied upon have not been adequately identified -- maps and other necessary documents to help analyze the proposal are still not available and/or adequate. The level of detail with regard to specific roadless areas is obviously missing. (Timber Company or Association, Coeur D’Alene, ID - #15899.72100)

Management of roadless areas in the National Forest System is addressed in three interrelated and simultaneous Forest Service proposals: roadless area protection (65 Fed. Reg. 30276), road management and road transportation policy (65 Fed. Reg. 11676), and forest planning (64 Fed. Reg. 54074). These three rulemakings concern the same National Forest System lands and the same subject matter (providing future direction on roads in the National Forest System). The Forest Service has admitted this proposed roadless area rule, together with these other proposed rules, might have a cumulative impact in final form. As a result, the impacts of these interrelated proposals cannot be considered in isolation in separate NEPA documents; the cumulative impacts must be assessed. (Individual, Anchorage, AK - #52495.72200)

#### **WITH MULTIPLE OTHER INITIATIVES**

Prepare a report of the cumulative effects of this roadless proposal when combined with the Sierra Nevada Forest Plan Amendment, Transportation system regulations, planning regulations, implementation of the Clean Water Action Plan, the Strategic Plan 2000 and any other regulations to be advanced in 2000. (Business, Sacramento, CA - #2831.72100)

The cumulative impact would be unacceptable under the cloud of these nine (9) major forest revisions currently under consideration by your agency, as well as the Environmental Protection Agency, and the National Marine Fisheries Service. As you know, since late 1999 the Forest Service has released a total of seven major nationwide and regional regulatory proposals - which individually, each would dramatically alter Oregon national forest management. Additionally, two other major federal rulemakings were concurrently proposed to regulate Oregon forest lands - the EPA draft water quality TMDL/NPDES forestry rules, and the NMFS draft 4(d) salmon rules. (Timber Company, Salem, OR - #15915.72200)

The DEIS for these regulations should be combined with other environmental documents on the roadless proposal, FEMAT option 9 and the Aquatic Conservation Strategy, clean water action plan regulations, planning regulations, strategic plan 2000 regulations and the Sierra Nevada Framework for Conservation and Collaboration. The agency is failing in its responsibility to consider cumulative impacts of these initiatives to its charge of multiple use. The cumulative effect seems to be that the entire mission of the forest service is being deliberately changed from the production of goods and services for use by people and adjacent communities to one that limits or excludes all human use and access to our national forests. (Business, Yreka, CA - #43494.72100)

#### **WITH EXISTING ENVIRONMENTAL LEGISLATION**

The Roadless Initiative is yet another way to limit timber harvest in the National Forests. The DEIS does not report the cumulative effect of the Roadless Initiative in combination with other environmental legislation in regards to limiting timber harvest in the national forests. The Threatened and Endangered Species Act, the Clean Water Act, Wilderness areas, and land within wild and scenic rivers have already limited timber harvest in the national forests. The Roadless Initiative adds yet another 3% of the Chequamegon-Nicolet National Forests into the limited timber harvest areas. Piecemeal legislation and government action is locking up the national forests. This action negatively affects both the health of the national forests and the economic conditions of the surrounding areas. (Individual, Stratford, WI - #11336.93300)

I oppose the Clinton Roadless Plan for the following reasons: The cumulative effects analysis (3-240) is extremely inadequate. No mention of effects on Air, Water, and Endangered Species Acts. (Individual, Plains, MT - #13665.70000)

#### **WITH PAST WITHDRAWALS OF NATIONAL FOREST SYSTEM LANDS FOR ENVIRONMENTAL PROTECTION**

In addition to the inadequate consideration of the cumulative impacts of the various Forest Service pending environmental initiatives, there is no recognition of the cumulative impact of the proposed roadless program with other withdrawals of National Forest lands including those for National Monuments, wilderness areas, wild and scenic river areas, Forest Service natural areas and others. Over the past few decades, countless acres of federal lands have already been dedicated to special categories for environmental preservation. (Mining Association, Washington, DC - #52224.71110)

**Public Concern: The Forest Service should address the site specific cumulative effects of concurrent rulemaking initiatives on individual national forests.**

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. (County Elected Official, No Address - #17289.72100)

## 8.2.2 Adequacy of the Cumulative Effects Analysis in the Draft EIS

A number of writers claim that the comparison of cumulative effects by alternative presented in the Draft EIS is inadequate. According to one writer, “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.” Notes another, “There is nothing at all about other actions (public or private) and how those land practices interact with this proposal.” Others charge that the discussion of the differing effects of Alternatives 2, 3, and 4 has been wholly skipped over. “That the Forest Service sees no difference,” remarks one respondent, “between an active cutting program and a no-cut alternative boggles the mind and challenges one’s sensibility.”

Finally, while there is abundant concern over the need for more adequate cumulative effects analyses, some comment that such analyses should not be incorporated into baseline data. Notes one individual, “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.”

**Public Concern: The Forest Service should prepare a meaningful cumulative effects analysis for the Final EIS.**

The cumulative effects ignores the biology and ecology of forests and is inadequate. Not enough information is presented to the reader to analyze the true consequences of the proposals for any area. And, that’s the best I can say! (Individual, No Address - #8442.70000)

This entire section [ecological factors] 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 and determine what effects they may have within their jurisdictions. This 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. (County Elected Officials, Kalispell, MT - #16102.70000)

### **DISTINGUISH DIRECT AND INDIRECT EFFECTS FROM CUMULATIVE EFFECTS**

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. (County Elected Official, Worland, WY - #16185.83210)

The EA very briefly looked at some things called “cumulative impacts” but these were actually indirect impacts and nothing but “cookbook” analysis at that. There is nothing at all about other actions (public or private) and how those land practices interact with this proposal. “Cumulative impacts” are not the things that happen later or some distance from this proposal, such as downstream sedimentation 5 years from now. Those are called “indirect impacts,” which NEPA also requires the agency to consider. However, the Forest Service cannot forego its legally mandated consideration of cumulative impacts by mislabeling indirect impacts as “cumulative.” (Environmental/Preservation Organization, Plymouth, MN - #51067.70000)

### **COMPARISON OF THE ALTERNATIVES.**

“Given that the changes in timber harvest between the action alternatives are not substantial, the cumulative effects of Alternatives 2, 3, and 4 would be substantially the same” (DEIS p. 3-87). While this statement emphasizes the need for other alternatives, it also illustrates the lack of analysis concerning cumulative effects. “[Alternative 3] Cumulative Effects: Effects of this alternative provide incremental benefits when compared to those gained in Alternative 2...Alternative 4 Cumulative Effects: Effects would not be substantially different than those of Alternative 3 (DEIS p 3-26). That the Forest Service sees no difference between an active cutting program and a no-cut alternative boggles the mind and challenges one’s sensibility. And yet, this is a common refrain whether the Forest Service is discussing the impacts to drinking water, wildlife, air quality, etc. The same language is used time and time again. (Environmental/Preservation Organization, Plymouth, MN - #51067.93610)

### **Public Concern: The Forest Service should avoid incorporating cumulative effects into baseline data.**

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. (State Elected Official, Fallon, NV - #17290.70000)