



# Notice of Proposed Rulemaking: State Petitions for Inventoried Roadless Areas Management

**CAT**  
Content  
Analysis  
Team

## Issues Narrative

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## Table of Contents

<b>CHAPTER 1 ISSUES SUMMARY</b>	<b>1-1</b>
INTRODUCTION.....	1-1
ANALYSIS PROCESS .....	1-1
PROJECT BACKGROUND .....	1-2
SUMMARY OF ISSUES .....	1-3
Proposed Rule.....	1-4
Evaluation of Specific Provisions of the Proposed Rule .....	1-7
Proposed Rule’s Consistency with Other Laws, Regulations, and Policies .....	1-12
Proposed Rule’s Consistency with Other Planning Processes .....	1-16
Public Involvement/Collaboration and Decision-Making Process .....	1-17
Natural Resource Management.....	1-19
Recreation Management .....	1-25
Special Designations .....	1-25
Social and Economic Values .....	1-26
<b>CHAPTER 2 SAMPLE ISSUES</b>	<b>2-1</b>
PROPOSED RULE .....	2-1
EVALUATION OF PROPOSED RULE, BY SECTION.....	2-10
PROPOSED RULE’S CONSISTENCY WITH OTHER LAWS, REGULATIONS, AND POLICIES....	2-21
PROPOSED RULE’S CONSISTENCY WITH OTHER PLANNING PROCESSES.....	2-39
PUBLIC INVOLVEMENT/COLLABORATION AND DECISION-MAKING PROCESS .....	2-44
NATURAL RESOURCE MANAGEMENT.....	2-79
RECREATION MANAGEMENT.....	2-65
SPECIAL DESIGNATIONS .....	2-68
SOCIAL AND ECONOMIC VALUES.....	2-69

# Chapter 1

## Issues Summary

### Introduction

This document is a summary of public comment received by the U.S. Department of Agriculture (USDA) Forest Service (Forest Service) regarding a notice of proposed rulemaking and request for comment. The purpose of the proposed rule is to replace the 2001 Roadless Area Conservation Rule (roadless rule) with a State petitioning process for inventoried roadless area (IRA) management. The Forest Service received approximately 1,810,000 responses to the request for comment from July 16, 2004 to November 15, 2004.

A *response* is a single, whole submission that may take the form of a letter, email, fax, presentation at an organization-sponsored public meeting, etc. Although many of the responses were *original responses*, which include both those submitted by individuals and those from agencies and organizations, the majority of the responses were *form letters*. Form letters are five or more letters that contain identical text but are submitted by different people. Several letters were outside of the scope of the proposed rule; these letters primarily address national park management issues and conditions of public lands in general.

Each original letter and one example of each form letter were analyzed to ensure that the concerns of all respondents were considered. In addition, if a respondent added information to a form letter, this content was also analyzed. No out-of-scope letters were analyzed. This *Issues Narrative* captures these concerns by both summarizing them and presenting sample text from submitted responses.

Although this analysis attempts to capture the full range of issues raised, it should be used with caution. The respondents are self-selected; therefore, their comments do not necessarily represent the sentiments of the entire population. This analysis attempts to provide fair representation of the wide range of views submitted, but makes no attempt to treat input as if it were a vote or a statistical sample. In addition, many of the respondents' reasons for voicing these issues are varied, subtle, or detailed. In an effort to provide a succinct summary all of the issues raised, many subtleties are not conveyed in this *Issues Narrative*.

### Analysis Process

The goals of the analysis process were to:

- Ensure that every response is considered.
- Identify the issues raised by all respondents.
- Represent the breadth and depth of the public's viewpoints and concerns as fairly as possible.
- Present those concerns in such a way as to facilitate the Forest Service's consideration of comments.

The process used to achieve these goals employed both qualitative and quantitative approaches. For each unique response or form letter example, an analyst examined the submittal and

identified the issues discussed in it. This information was entered into a relational database that linked each issue to every response that raised it. This database was used to group similar comments from different responses, and the content of those comments is summarized in this Issues Narrative.

## Project Background

This section summarizes the project background information supplied in the issue of the *Federal Register* published on July 16, 2004 (69 FR 42636). Some passages are quoted directly from that publication.

The roadless rule, adopted on January 12, 2001, “fundamentally changed the Forest Service’s longstanding approach to management of inventoried roadless areas.” It established “nationwide prohibitions generally limiting, with some exceptions, timber harvest, road construction, and road reconstruction within inventoried roadless areas on [National Forests System] lands.” (69 FR 42637.) Exceptions to roadbuilding were allowed for access to non-Federal in-holdings, hard-rock mineral exploration and development, public safety, environmental cleanup, and Federal highway projects (66 FR 3272). The roadless rule also allowed for removal of small-diameter timber to improve threatened, endangered, and sensitive species habitat and to maintain or restore ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire (66 FR 3273). In effect, the roadless rule would supercede local forest management plans or policies so that the same policies would be applied to all IRAs on National Forest System lands (including grasslands) throughout the Nation. Previously, each unit of the National Forest System had its own forest plan that had been developed through “years of scientific findings and extensive public involvement in forest planning” (69 FR 42638).

In reaction to the roadless rule, the public and States that would be affected by the rule raised several concerns related to the process used to create the rule and the implications of the rule itself. On May 4, 2001, the Secretary of Agriculture acknowledged these concerns and “indicated that USDA would move forward with a responsible and balanced approach to re-examining the roadless rule in an effort to address those concerns while enhancing roadless area values and characteristics” (69 FR 42637). To begin re-examining the roadless rule, the Forest Service sought the public’s opinion on “how best to proceed with long-term conservation and management of inventoried roadless areas” (69 FR 42638). This request for comment was published as an advanced notice of proposed rulemaking (ANPR) in the *Federal Register* on July 10, 2001. The Forest Service received over 726,000 responses to this request for comment on the ANPR. The main perspectives emphasized either “environmental protection and preservation” through a national rule or “responsible active management” through local decision-making planning processes (69 FR 42638).

During the ANPR period and the following year, nine lawsuits in Federal district courts and Federal appeals courts revolved around the 2001 roadless rule. These lawsuits resulted in the following:

- A preliminary injunction in 2001 by the Idaho Federal District Court prohibiting implementation of the rule.
- Reversal of the preliminary injunction by the Ninth Circuit Court of Appeals in 2002.

- A settlement in another Federal district suit brought by State of Alaska in 2003, wherein the rule was amended to temporarily exempt the Tongass National Forest in Alaska from its provisions.
- A decision in the Wyoming Federal District Court in 2003 finding the rule to be unlawful and permanently enjoining it.
- A pending appeal of the Wyoming decision to the Tenth Circuit Court of Appeals in 2004.

”Responding to the continued controversy, policy concerns, and legal uncertainty surrounding implementation of the roadless rule,” on July 12, 2004, the Secretary of Agriculture announced the following:

- The initiation of a rulemaking process to modify the 2001 roadless rule.
- The adoption of an interim Forest Service directive to give roadless areas protection similar to that afforded by the 2001 roadless rule, but reserving actual decisions to the Chief of the Forest Service. This directive would be effective until 18 months after the new rulemaking process is completed.

On July 16, 2004, USDA published in the *Federal Register* the notice of the proposed rulemaking and request for comment regarding a State petitioning process for IRA management. This proposed rule would replace the roadless rule with “a petitioning process that would provide Governors an opportunity to seek establishment of management requirements for National Forest System IRAs within their States” (69 FR 42637). During the 18 months after the final rule would become effective, Governors of States having IRAs would be allowed to review the existing management requirements for these areas and petition the USDA to establish or adjust management requirements. The Secretary of Agriculture would evaluate the State’s petition. If the petition were accepted, the Forest Service would work with the State, stakeholders, and experts to create State-specific rules for managing the IRAs within that State. The Secretary would have discretionary approval authority over the State-specific rules proposed.

In its *Federal Register* posting, the USDA asserted that replacing the roadless rule with the proposed rule would “allow State-specific consideration of the needs of [roadless] areas” and is “an appropriate solution to address the challenges of roadless area management on [National Forest System] lands” (69 FR 42637). The USDA requested that the public comment on the proposed rule and whether the 18-month petitioning period was sufficient. It also asked whether a national advisory committee should be established to provide expert consultation on the implementation of the State-specific petition rulemaking process.

The comment period for responding to this request was originally from July 16, 2004, to September 14, 2004, but was later extended to end on November 15, 2004. This chapter summarizes the issues raised and opinions stated in the public and agency responses. The Forest Service will consider these issues and opinions when deciding on whether or how to finalize the proposed rule.

## Summary of Issues

This *Summary of Issues* section summarizes the issues raised in the responses to the USDA’s request for comment on the proposed rule. Chapter 2, *Sample Issues*, provides excerpts from these responses that represent the issues raised and views captured in this section. This section is divided into the following parts:

- Proposed Rule
- Evaluation of Specific Provisions of the Proposed Rule
- Proposed Rule's Consistency with Other Laws, Regulations, and Policies
- Public Involvement/Collaboration and Decision-Making Process
- Natural Resource Management
- Recreation Management
- Special Designations
- Social and Economic Values

## Proposed Rule

Respondents differ in their opinions as to whether the proposed rule should be established. Some oppose the proposed rule, are in favor of Federal management of roadless areas, and state that all National Forest System lands should be managed with uniform, nationwide guidelines. Others favor the proposed rule and are supportive of States being able to provide input through a petitioning process that would allow variations in the guidelines to take State and local concerns into account. Both those who oppose and favor the rule offer suggestions for changing it. Some respondents oppose both the original and proposed roadless rules, and some do not state a preference about either rule. Many of the ideas in support and opposition to the proposed rule are summarized below; additional supporting statements are summarized by topic in the sections to follow.

### *Opposition to Proposed Rule*

Those who *oppose the proposed rule* raise the following issues:

- Because these roadless areas are part of the National Forest System, States in which they occur should have no more influence on their management than the Nation as a whole.
- Local perspectives are inherently short-term, and a national perspective is needed to support long-term interests of National Forest System lands.
- Citizens of States other than those containing National Forests will not have input into management of roadless areas on National Forest land.
- The proposed rule undermines the Federal government's responsibility to hold National Forests in trust for the people.
- Many National Forests and ecological processes span multiple States and would therefore be under multiple jurisdictions, and pieces may not be managed compatibly.
- Governors should have no more power than members of the general public.
- Governors do not have the legal right to have jurisdiction over Federally owned lands.
- Governors and locals are more likely to give more weight to private industry and economic uses of the lands than ecological considerations.
- Governors do not always have the staff and expertise to make land management decisions.
- States should not be able to reset boundaries of Federal land designations.
- The proposed process' procedures and deadlines could result in no national protections for roadless areas.

- The proposed rule breaks Secretary Veneman's promise that the USDA would uphold the 2001 roadless rule.
- The proposed rule gives Governors veto power to eliminate roadless protections by reverting to local forest management plans if a petition to seek protection is not filed.
- The proposed rule sets unfavorable precedents with respect to National Forest management.
- The proposed rule would replace the existing roadless rule, which would open all IRAs to development, unless a Governor initiates the "opt-in" process and the Secretary grants new protections.
- If a State's Governor does not petition for protection, or the Administration rules adversely on a petition, management of IRAs would revert to the individual National Forest's management plans, which most often require no special protections.
- States would not be motivated to petition for including roadless areas because there may not be any financial benefit for doing so; however, States would be motivated to petition for making roadless areas open to development because there would be financial benefits to help support the costs of the petitioning process.
- The proposed rule would render the 2001 roadless rule meaningless.
- Governors in some States would not be able to participate in the petitioning process.
- The proposed rule would significantly reduce administrative protection of roadless areas.
- The proposed revisions fail to meet the needs of family operations.
- The proposed rule is not consistent with policies established by the Bush Administration and Congress.
- The proposed rule ignores the USDA's responsibility to manage its land.
- A project of this scope should not be reworked more than once every 10 years; anything more frequent than this is wasteful.

### *Support for the Proposed Rule*

Those who *support the proposed rule* raise the following issues:

- The proposed rule creates a process in which the Governors and the Department of Agriculture would collaborate to address unique and specific needs of certain States.
- The proposed rule's approach for conservation is more realistic. It acknowledges that some of the areas that were designated as roadless areas for the 2001 roadless rule contained roads and other infrastructure.
- The proposed rule allows for State input, but the final decision is made by the Federal government.
- The people most affected by the rule would be the people adjacent to the designated roadless areas; therefore, the proposed rule is favorable because it considers the needs of these people by allowing States to provide input.
- The proposed rule would allow States to address issues related to private and State in-holdings in IRAs.
- The proposed rule strengthens States rights.
- The proposed rule allows for better land management and access to renewable forest resources.



- At the very least, each National Forest should be responsible for deciding how to manage their IRAs.

### *Modification of the Proposed Rule*

Suggested modifications to the proposed rule are described in the following section, *Evaluation of Specific Provisions of the Proposed Rule*. Respondents were especially critical of:

- Placing the burden of updating IRA boundaries on the States rather than the Forest Service.
- The absence of any criteria for the Secretary's use in considering approval of States' petitions for State-specific management rules.
- Lack of clear direction for management of existing IRAs where States do not initiate a petitioning process.

One response recommends that the Interim Directive (for Forest Service management of roadless areas until the rule-making process and state-petitioning process are complete) should be rescinded because the respondent believes it to re-impose the 2001 roadless rule, which has been enjoined by the court. The respondent suggests completing roads analyses for each forest and providing that information to governors for their use in petitioning under the proposed rule.

### *Purpose and Need for Proposed Rule*

Various respondents comment on the purpose of and need for modifying the 2001 roadless rule. Those opposed to the rule change believe that the scientific analysis, public involvement, and deliberation that occurred during the creation of the 2001 roadless rule was appropriate and sufficient, justifying no reconsideration of the rule at this time. Some state that the process used to create the proposed rule was not as thorough. Some opponents comment that problems associated with the 2001 roadless rule, as stated the notice of proposed rulemaking, were all raised in the public comment period and were addressed in the creation of the 2001 roadless rule and its amendments. One view expressed is that the 2001 roadless rule had a large amount of public support, and changing this rule would be counter to the will of the people. Other perspectives are that States do not need the proposed petition process because they already have the authority to petition the USDA for rulemaking, States have the ability to participate in development of individual National Forest management plans, and the new process is more difficult for States to use.

Some respondents believe that the decision to adopt the 2001 roadless rule was biased in favor of environmental protection and preservation, did not consider local needs or issues sufficiently, or was not flexible enough to accommodate differences among areas. Some people say that the 2001 roadless rule did not take into account the complexities of the different ecosystems, adaptive land management, or new scientific findings. Various respondents state that the NEPA process used for the 2001 rule was flawed, was conducted without adequate or accurate information, was contrary to the USDA's legal authority, or ignored concerns raised during the public comment period.

## *Retention of Prior Rule, with Modification*

Some respondents indicate that the 2001 roadless rule should be retained but modified. Some of these modifications include:

- Using updated mapping data.
- Using information, mapping, and advice others have provided.
- Adding de facto roadless areas to the areas designated in the 2001 roadless rule, specifically any roadless areas larger than 1,000 acres.
- Establishing the Forest Service as the lead agency in an effort to add additional uninventoried roadless areas to those protected by the 2001 roadless rule.
- Reopening the roadless inventory and reconsidering areas that were excluded from the roadless designation.
- Allowing Governors to petition to exclude, but not include, roadless areas from protection if they meet specified criteria.
- Accommodating local concerns.

## **Evaluation of Specific Provisions of the Proposed Rule**

Many respondents provide comment on specific sections of the proposed rule. The topics addressed by respondents include:

- Clarity and appropriateness of the definition of “inventoried roadless areas” (Section 294.11, Definition).
- Sufficiency of the 18-month timeframe, subsequent to passing of the final roadless rule, for States to submit petitions (Section 294.12, State Petitions).
- Adequacy of 180 days from receipt of completed petition for issuing an acceptance or rejection of petition (Section 294.12, Petition Process).
- Need for the Secretary of Agriculture to establish a committee of experts to provide input on review of State petitions (Section 294.12, Petition Process).
- Other needed elements of the petition process (Section 294.12, Petition Process).
- Sufficiency of the eight components of a State petition as outlined (Section 294.14, Petition Contents).
- Sufficiency of the protocol for State-specific rule making by the Secretary (Section 294.15, State-Specific Rulemaking).
- Other suggested modification of the proposed rule.

A summary of these responses for each topic is as follows.

### *Clarity and Appropriateness of Definition of “Inventoried Roadless Areas” (Section 294.11)*

Those believing the current definition of IRAs to be clear and appropriate urge the Secretary to retain the definition from the 2001 final rule (comprising maps in the 2000 Roadless Rule FEIS).

Those believing the current definition of IRAs to be deficient raise the following issues:

- Each National Forest should review and update IRA boundaries.
- National Forests should inventory roads in IRAs under State and local government jurisdictions (RS 2477 roads) and not exclude valid public use in the new management rule.

- The RARE II roadless inventory is part of the enjoined 2000 EIS, so the RARE II inventory is defunct.
- Characteristics of areas to be included in the roadless-area designation should be defined.
- Roadless areas should be re-inventoried using several recommended criteria about recreational opportunities, and the nature and extent of primitive roads and trails.
- Roadless area inventories should be approved by local user groups.
- The Tongass rainforest should not be excluded.
- State wilderness acts (e.g., Utah's) declared that the RARE II inventory was the final roadless inventory, so maps should not be updated or revised as the proposed rule requires.

### *Sufficiency of the 18-Month Timeframe, Subsequent to Passing of the Final Roadless Rule, for States to Submit Petitions (Section 294.12)*

Some respondents believe that 18 months for States to submit petitions is reasonable and adequate. Others do not, for the following reasons:

- The State-local collaboration process will be lengthy by its nature, but more so due to constrained State and local budgets.
- Eighteen months is not a sufficient amount of time to accommodate re-inventory of roads in IRAs.
- The petition filing time period should be longer than 18 months to provide sufficient time for States and tribes to consult with local communities.
- The time limit is not meaningful because anyone can petition anytime under the Administrative Procedures Act.
- The proposed time limit is arbitrary and misguided.
- If States are collaborating with local interests, their progress after 18 months should be evaluated and time extensions considered.
- 18 months is overly generous; 12 months is enough.

### *Adequacy of 180 Days from Receipt of Completed Petition for Issuing an Acceptance or Rejection of Petition (Section 294.12)*

Some respondents believe the 180-day period for the Secretary's response to a petition is adequate/appropriate. Others believe that up to 39 Statewide petitions with detailed local area information cannot be fairly, fully evaluated in 6 months.

### *Need for the Secretary of Agriculture to Establish a Committee of Experts to Provide Input on Review of State Petitions (Section 294.12)*

With regard to a national advisory committee, some respondents feel that if it is created, it should include:

- A diversity of experts concerned with and affected by roadless area decisions.
- Members with expertise in fish and wildlife biology and management, forest management, outdoor recreation, and other disciplines associated with roadless values.
- Members of public interest groups.

- Members of local communities, small businesses, forest products companies, and user groups, and should not be exclusively composed of academics.
- Representation from all parts of the country and include county supervisors and school officials.

Others feel that an advisory committee should *not* include representatives of State and local governments, since the function of the committee is to assist the Secretary from a national perspective. Several respondents noted that if an advisory committee is created, the final rule should not only specify representation, but jurisdiction and procedures. On a related note, some respondents noted that States could form their own advisory committees to provide expert consultation to the States' Governors for their preparation of petitions.

Those favoring the establishment of a national advisory committee made the following points:

- An oversight committee, possibly with subcommittees, is vital to overseeing this historical reversal in Federal land management, and it should assess environmental impacts, costs, and benefits to the public for each petition. It should be a national committee and should be constituted under the Federal Advisory Committee Act.
- A national advisory committee would help ensure protection of water quality nationwide in State-specific rulemaking.
- The committee's duties should include:
  - Advising the Secretary on guidelines for Governor's petitions.
  - Reviewing the adequacy of information provided in each State petition.
  - Assisting the Secretary in responding to any petition.
  - Advising the Secretary with respect to NEPA documentation.
  - Advising the Secretary with respect to specific State rule promulgation.

Opponents to creation of a national advisory committee gave the following reasons:

- It could negate local input, and a disproportionate emphasis on science may defeat reasoning based on policy considerations.
- It would tend to have a "one size fits all" approach.
- It is not essential and could become a barrier to resolving disposition of roadless areas and implementation of forest plans.
- It is likely to be politically influenced and scientifically compromised.
- It would create another obstacle to roadless area protection that was overwhelmingly favored by respondents to the 2001 proposed roadless rule.
- It is unnecessary because the Forest Service already has the expertise needed to review petitions.

Opponents also noted that shorter-term task forces would be more workable and less contentious.

### *Other Needed Elements of the Petition Process (Section 294.12)*

Some respondents believe that other elements of the petitioning process are needed:

- Provide information from the Forest Service, including IRA boundary adjustment information, to petitioning States in a timely manner. Complete Forest Service roads analyses prior to petition development.
- Ensure that both the States and the Secretary consider an adequate range of alternatives.

- Establish policy/process for disposition of IRAs in States that do not participate in the petitioning/rulemaking process, which preferably should default to individual forest planning.
- Ensure that the rule freezes forest plan revisions until the State-specific rulemaking process is conducted. Ensure that activities in roadless areas are placed on hold.
- Establish a process to allow local communities to submit information related to filed petitions.
- Include provisions for consultation with Native American tribes that may be affected by a State petition.
- Provide a means for petitioners to modify proposals in response to evaluator input.
- Develop specific criteria for petition acceptance and automatically accept petitions meeting these criteria.
- Establish a process for negotiating a date for initiating the notice of proposed rulemaking, upon the Secretary's acceptance of the State's petition.
- Append to the final petition disposition of the Secretary the reports from any advisory committees.
- Mandate disposition of Wilderness Study Areas within a certain time period (e.g., 2 to 5 years).

### *Sufficiency of the Eight Components of a State Petition as Outlined (Section 294.14)*

Some respondents maintain that the eight required components of a State petition are adequate/appropriate. Others suggest the following changes to Section 294.14:

- In preparing petitions, Governors should:
  - Seek professional assistance from the State Forester and Forest Service Forest Supervisors.
  - Consider current and future wildlife risk conditions.
  - Review management decisions for roadless areas set out in applicable forest plans.
  - Consider needs for access to State and private lands.
  - Consider local conditions of and need for each area.
  - Adjust boundaries to exclude areas already roaded.
  - Consult with local government officials.
  - Consider social and economic impacts of their proposals.
  - Document the proposed gain/loss of access.
- Petitions should address degree of support by local government(s), current and expected susceptibility of the area to fire, consistency with historical and present land use, and methods for how proposed management would contribute to future demand for National Forest uses and a balanced diversity of multiple uses within the area.
- Rule should require that Governors' proposed management cannot resemble wilderness management and should comply with State wilderness acts.
- Requirements for petitions are overly burdensome, particularly when addressing how recommended management would differ for existing Federal and State plans and policies.
- Maximize public participation, similar to that afforded in the forest plan revisions.

- Require consultation with tribal governments.
- States should not be responsible for making boundary adjustments to IRA maps; that is a Federal responsibility.
- Require States to conduct cost-benefit analysis of proposed management rules.
- Petitions should include State proposals for protection of water quality and productivity.
- Ensure that cultural resource information is kept confidential.

### *Sufficiency of the Protocol for State-Specific Rule Making by the Secretary (Section 294.15)*

Some respondents believe the proposed protocol for State-specific rulemaking by the Secretary to be sufficient/appropriate (Section 294.15). Others do not, and offer the following suggestions:

- Specific criteria for the Secretary's acceptance or rejection of a petition should be established.
- Criteria should include the quality of the State's proposed improvement in the delineation and management of the roadless areas as contained in current forest plans.
- Criteria should include those for protection of water quality.
- Specific requirements for State-Forest Service coordination and tribal and local community input during State-specific rulemaking should be established.
- Costs of environmental-effects analysis should be borne by the State proposing a management rule.
- The rule should obligate the Secretary to do more than coordinate development of the proposed rule with the State; it should obligate the Secretary to implement the State's request.
- A timeframe also needs to be established for conducting rulemaking after the Secretary accepts a State petition.
- Primary criteria should be to give maximum appropriate protection of the resource for the enjoyment of current and future generations, while balancing the many potential uses of the forest as set forth by Congress.
- Each roadless area should be presumed "preserved" unless a petition justifies removal of protection, according to an established set of criteria.
- State-specific management rules should be implemented through amendment of NF land and resource management plans, and the rules should not take effect until forest plans are amended or revised to be consistent.
- Implications to payments in lieu of taxes should be considered by the Secretary in reviewing and approving State petitions.

### *Other Suggested Modifications to the Proposed Rule*

Other suggestions from respondents for improving the proposed rule include:

- Allow entities other than Governors to petition for area-specific management rules: tribal governments, public interest groups, and a "responsible elected official" other than a Governor,
- Establish county boards of supervisors as equal partners with States in all decisions and rule-making.

- The prior and proposed roadless rules are unnecessary; dispositions of roadless areas should be through the National Forest planning process.
- A revised roadless rule should incorporate goals of the healthy forest initiative, not adversely affect grazing permit holders, and be consistent with Executive Order 13352 for the Facilitation of Cooperative Conservation.
- Establish provisions for a periodic review of the State-specific rules during which States could petition for changes to the management rules.
- Establish a sunset provision for newly established State-specific management rules that lasts approximately 10 to 15 years (similar to planning cycle for forest plans).
- Rather than continuing to follow the 2004 interim directive and adopting the proposed rule, discard the special designation of “roadless area” and return them to multiple use management.
- The rule should include a discussion of roadless area values and the need to conserve them.
- The rule should make it clear that the primary function of roadless area inventory is to determine suitability for Wilderness designation.
- Exempt forests covered by the Northwest Forest Plan, and exempt other areas constraining ski hill development and operation from roadless-area protection under the petitioning process.
- The rule should attempt to end frivolous lawsuits from environmental groups.

## **Proposed Rule’s Consistency with Other Laws, Regulations, and Policies**

Views expressed regarding whether the proposed rule is consistent with other laws, regulations, and policies are as follows.

### *National Environmental Policy Act (NEPA)*

- In order to comply with NEPA, an EIS needs to be prepared for the proposed rulemaking. “Extraordinary circumstances” are present which preclude categorical exemption from requirements for environmental documentation.
- The action is not merely procedural in nature and scope and clearly has potential to result in significant environmental impacts.
- NEPA requirements for cumulative effects analysis preclude limiting the effects-assessment to this rule only; reasonably foreseeable effects of establishment of State-specific rules must also be considered at this time.
- Proposal violates NEPA because it fails to consider a reasonable range of alternatives
- The 2000 EIS for the 2001 Roadless Rule does not evaluate the State-by-State petition process alternative (i.e. the current proposal does not constitute the “no-action alternative” addressed in the 2000 EIS), so a new EIS is required.
- The Secretary cannot rely on the 2000 Roadless Area EIS, which lacks an alternative allowing full development of Roadless Areas, yet this is what States could petition.
- Since the time of the roadless rule FEIS and ROD, methodologies and the knowledge required to evaluate the impacts have advanced significantly.

### *Administrative Procedures Act (APA)*

- The proposed rule change violates the APA because the reasons for making the change are not convincingly set forth.

### *National Forest Management Act (NFMA)*

- Management of roadless areas should remain part of the individual forest plans prepared in accordance with NFMA; these plans were based on collaboration with national, State, and local interests.
- The proposed policy will violate NFMA and other laws by allowing greater destruction to watersheds and wildlife.
- Under NFMA and other laws, the Forest Service is the sole agency to manage the national Forest System. It is illegal for the Forest Service to delegate its responsibilities to States.
- No authority for the proposed roadless rule is found in the Forest Service planning laws (NFMA and the Multiple-Use Sustained Yield Act [MUSYA]) or the implementing regulations.
- NFMA mandates planning provisions in the Forest Service Handbook (FSH) and Manual (FSM). The State planning process needs similar elaboration to assure it is not arbitrary and capricious.
- Proposal to plan for roadless areas apart from surrounding National Forest does not meet NFMA requirements.
- 2004 Roadless Rule must be legally defensible by complying with NFMA.

### *Management Policies of Adjacent Federal/State Lands*

- Roading and developing commodity resources on lands adjacent to national parks or other protected areas could be incompatible with conservation management of those areas.
- Replacement of the 2001 Roadless Rule threatens the National Park System due to the proximity of roadless areas to Parks.

### *Wilderness Act*

- Proposed rule is silent on State's Wilderness Acts approved by Congress. Some of these laws prohibit more areas to be inventoried without Congressional approval.
- The 2001 Roadless Rule creates de facto Wilderness areas and avoids the legal process for Congressional approval.
- This proposed rule and the 2004 Interim Forest Service Directive create de facto wilderness, but such action was declared void in the Wyoming district court decision.
- The Wilderness Act of 1964 granted the Secretary of Agriculture 10 years to evaluate Wilderness suitability. This authority expired 10 years after this 1964 Act (31 years ago).

### *Native American Treaty Rights*

- Proposed rule excludes Indian Nations and thus jeopardizes their property rights to forest lands. Nations have been left out of the process and no provisions have been made for them to assert their rights.



- Proposed rule incorrectly states that property rights would not be at risk. The Forest Service is surrendering its trust to protect Indian rights. Impairing these rights subjects the United States to suits for damages.

### *Utah Wilderness Act*

- The 1984 Utah Wilderness Act established that the RARE II effort in Utah constitutes an adequate suitability review. Thus, there is no valid roadless inventory to identify and evaluate. Amend the Rule to be consistent with this Act.

### *Endangered Species Act (ESA)*

- Existing roads are degrading habitat of Federally listed aquatic and terrestrial species.
- Maintaining roadless areas provides habitat for threatened, endangered, and candidate species, as well as species that may become threatened or endangered in the future, so that roadless area development will frustrate purposes of the ESA.

### *Clean Water Act (CWA)*

- This whole process is skewed against Section 404 of the Clean Air Act.

### *Multiple Use and Sustained Yield Act (MUSYA)*

- Proposed rule is consistent with the MUSYA. Its key concept is that National Forests be managed to meet multiple use needs.
- No authority for the proposed rule is found in the MUSYA.

### *National Historic Preservation Act (NHPA)*

- Any undertaking pursuant to the proposed rule must be reviewed under Section 106 of the NHPA.

### *Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.*

- Proposed rule incorrectly States it does not have tribal implications, so no consultation and coordination with Indian Tribal Governments is required. This is not correct.
- Tribe objects to the proposed rule and disagrees with the agency statement that no consultation is required under EO 13175.
- The Tribe is disappointed that USDA did not consult with them as required under EO 13175. Collaboration and consultation at the local level is great on several issues, but at the national level the USDA has failed to uphold its promises.

### *Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

- The proposed rule involves management of roadless areas as de facto wilderness areas. The assertion that the proposed rule will not have a significant energy impact is completely false.

### *Unfunded Mandates Reform Act of 1995*

- Proposed rule violates this act by not complying with it.

### *National Trails System Act*

- Concerned that new roads may impact Scenic Trails, where motorized vehicles are generally not permitted.
- Preserve existing status of roadless areas within 10 miles of any national scenic trail, to assure compliance with this act.

### *Forest and Rangeland Renewable Resources Planning Act*

- Proposed action abrogates the statutory responsibilities under this act.

### *Americans with Disabilities Act (ADA)*

- Autistic and severely handicapped children depend on wilderness areas. They cannot be around noise, pollution, and all that this proposal brings.
- The elderly need roads to access National Forests.

### *Executive Order 13352, Facilitation of Cooperative Conservation*

- We interpret this executive order to allow counties as well as States to petition the Federal government.

### *Interstate Commerce*

- The State petition policy will interfere with Interstate Commerce.

### *Organic Act*

- The current roadless rule violates the Organic Act.
- The original Organic Act must be considered in determining forest management.

### *Taylor Grazing Act -1934*

- Access should not be guaranteed to grazing lands under this law because it is antiquated.

### *Alaskan National Interest Lands Conservation Act (ANILCA)*

- Designation of additional roadless areas would violate ANILCA, which prohibits including establishing additional conservation, recreation, or similar units, or using the plan amendment process to conduct additional studies.

### *Alaska Native Claims Settlement Act*

- Any rule must not supersede or abrogate the rights of native Alaskans.

### *Mining Act of 1872*

- Access should not be guaranteed to unused mining claims under this law, because it is antiquated.

## *United States Constitution*

- The proposed rule violates Articles 4 and 6 of the United States Constitution—the Federal property and supremacy clauses.

## *Other Laws*

Respondents asserts the proposed rule violates:

- Unified Federal Policy For Watershed Management
- The Outdoor recreation Act of 1963
- Title 5 USC Sections 604 and 801
- Executive Orders 11200, 13132, 12866, 11644, and 11989
- Off-Highway Motor vehicle Recreation Act of 1988
- California Recreation Trails Act of 1967
- California Business and Professional Code- various sections
- Congressional Review Act (CRA)
- 36 CFR 228.8
- Coastal Zone Management Act
- Fish and Wildlife Coordination Act

Another respondent suggests that State laws, such as enabling acts, should be addressed to determine if the Forest Service should continue to encourage the creation of additional "wilderness" or "roadless" areas in each State.

## *Potential for Litigation*

- Approval is expressed that the Secretary has taken action to implement a workable policy, which avoids the cost of litigation that is occurring under the existing roadless rule.

## *Regulations for Controlling Paperwork*

In the notice of proposed rulemaking in the *Federal Register*, USDA specifically requested comments regarding regulations related to controlling paperwork burdens on the public. In response to this request, respondents stated the following:

- Information requirements appear to be in line with the intended rule.
- No basis has been provided for the 1,000-hour per-state estimate.
- The 1000-hour estimate grossly underestimates the time needed to prepare a petition. States should be aware of the burden to develop and share information.
- Avoid unfunded mandates. The process could become a major effort.

## **Proposed Rule's Consistency with Other Planning Processes**

Respondents provide comment on whether the proposed rule is consistent with other planning processes. In particular, some respondents believe that the proposed rule is not consistent with the individual National Forest land and resource management planning processes, by potentially committing lands to uses not developed through the NFMA-required planning process (as previously noted). Various respondents also hold that the proposed rule is not or should be

consistent with the Healthy Forest Initiative and State and local planning processes.

Respondents stated:

- Proposed rule does not include coordination with forest planning and therefore has the same flaw as the 2001 Rule; it is not in compliance with laws governing National Forest management.
- Final rule must ensure consistency with local governmental plans and consideration of local concerns.
- State-specific rules should state that roadless areas must meet Forest Service criteria.
- Petitioning Governors should be required to state how their management would differ from forest plan direction and why the State's roadless area direction would improve these areas.
- Petitioning States should provide information about State land and resource management plans.
- Roadless decisions need to incorporate and fully reflect the goals of the Healthy Forests Initiative. A policy allowing States to designate roadless areas runs contrary to this initiative.
- It is critical that the proposed rule comply with forest management laws, including the Healthy Forest Initiative, and meet the concerns of landowners, local and State governments, and those dependent on multiple uses of the forests.
- Current roadless rule is in direct conflict with local forest plans, the Healthy Forest Initiative, and the well-being of local communities.
- Forest plan revisions should have taken precedence over roadless rule implementation.
- It is unlawful for the FS to adopt this proposed rule because it alters forest plans.

A few respondents commented favorably regarding consistency with other planning processes:

- Proposed approach complements local-level forest planning. NFMA has long established the mechanism for local input and development of forest plans.

## **Public Involvement/Collaboration and Decision-Making Process**

With respect to public involvement and agency collaboration, respondents addressed adequacy/inadequacy of:

- Agency communication.
- Timeframe for comment.
- Availability of forums (e.g., meetings) for public comment.
- Range of alternatives for a new rule.
- Collaboration with public and other agencies.

The absence of public meetings and of alternatives to the proposed rule was the issue most often raised. One issue is that many public meetings were conducted prior to establishment of the 2001 roadless rule, but none were conducted for the rule revision process. Another issue is that no choices with regard to the proposed rule were presented, such as allowing public interest groups or tribes to submit petitions in addition to State Governors, or placing decision-making back into the realm of National Forest planning. Respondents who were dissatisfied with various aspects of this process stated:

- USDA failed to provide sufficient public notice and opportunity to comment. The Administration only gave the public 60 days to comment and ignored 2.5 million comments on the prior Rule.
- An agency can reexamine and change existing rules but must provide a reasoned analysis and must bear a high burden of justification. The Secretary provides no such analysis or explanation for abandoning an overwhelmingly popular rule.
- Failure to explain reversal of a popular rule renders the USFS actions arbitrary and capricious.
- The public involvement process for the original rule was held to be illegal in *Wyoming vs. USDA*. Any subsequent public involvement that does not exceed the original rule is equally insufficient and illegal.
- Several respondents urge the USFS to extend the comment period to allow more time. Some state that the comment period occurred during the summer months when families were on vacation.
- Lack of information and failure to consult with Native American tribes require an extension of time.
- The original rule provided 600 hearings nationwide. Repealing this Rule requires similar public involvement.
- Administration has not held one public hearing nor has it issued a new EIS.
- No scientific analysis has been issued to justify changing the 2001 Rule. The Administration is ignoring prior public sentiment, participation, and involvement.
- The Federal Register notice fails to analyze or mention any alternatives to the proposed rule repeal and State petition process.
- Proposed rule is redundant and decreases the opportunity for public involvement. Existing regulations allow the Secretary of Agriculture to accept petitions.

Other respondents maintain that the public involvement process and collaboration efforts were acceptable and stated:

- Appreciation for the deadline extension allowing more Americans to comment on the existing and proposed rules.
- Appreciation for the USFS receiving their opinions and values.
- Previous rule failed to consider the rights of private in-holders and forest health issues. The new rule provides opportunities to correct these flaws with local involvement.
- Roadless area management will improve with the use of State and local input. Supports more meaningful local input about local conditions.
- Allowing State Governors' to involve and consult with local communities about roadless areas is how public land management should work—with significant public participation.

Regarding the rulemaking process, respondents assert that it has not been characterized by *trust and integrity* and that special interests are having undue influence. Some have an expectation that a lack of trust and integrity will continue as the Secretary is able to choose which State petitions to approve and which to deny. Respondents stated:

- Federal lands belong to citizens in all states. Handing these lands over to locals is more than a betrayal of national trust and is comparable to theft. It is the duty of the USFS to protect the National Forests.

- Changes to the rule violate the public trust by circumventing three years of intense analysis and public comment.
- In 2001, the current Administration made a public promise to uphold the 2001 roadless rule.
- Deeply disturbed about the Administration's decision to repeal the roadless rule. It goes against the wishes of 2.5 million public comments.
- Administration publicly professes to support the roadless rule but has worked covertly to defeat and weaken the Rule.
- Proposed rule is both irresponsible and unacceptable. It skirts the need for a national rule by giving State Governors the choice to opt out of roadless area protection.

Concerns were also expressed as to whether *States have the resources and scientific knowledge necessary* to compose petitions. Respondents stated:

- Governors are not equipped to provide forest management standards to the USFS, especially for wildlife and aquatic environments.
- USFS is best equipped to make Federal land management decisions. It is structured and staffed to do so. The State is not.
- Petitioning process can be onerous to State agencies already dealing with limited resources.
- Most States do not have the financial resources to prepare petitions. They lack the manpower and would bear the burden for preparing petitions.
- Asking Oregon to create yet another planning process for Federal lands without any real management responsibility or budget control is simply an unproductive use of the State's time, energy, and resources.
- Protecting lands in the National Forest is the job of the Forest Service, not the State's job. Governors do not have the staff or expertise to participate in environmental analysis subsequent to State rule making.
- State Governors simply do not have the staff or expertise. Few, if any Governors will spend their limited resources and political capital on an unworkable process.
- Concerned about turning control over to Governors. They have no training or education to maintain the health and longevity of forests and their creatures.

## Natural Resource Management

Various respondents raised issues related to natural resource management. Of these, some express strong interest in protecting and preserving roadless areas, excluding roads from these areas, and restoring the 2001 roadless rule. Others favor multiple-use management of these areas, allowing for road building and active management or wise use of natural resources in appropriate areas and under appropriate circumstances.

### *Environmental Emphasis*

Those who support excluding roads from roadless areas express a desire to maintain the ecological and social values that these areas provide ranging from habitat for fish and wildlife to sources of clean drinking water and recreational opportunities. They cite the need for a balanced approach to management of National Forests as a whole, including maintaining the role of unroaded areas in providing a "natural," or reference, condition for the National Forest as a

whole. Respondents in this group state that excluding roads from IRAs would prevent one or more of the following potentially undesirable results discussed below.

### **Alteration of Existing Terrain and Cover**

Examples of alteration of existing terrain and cover include timber harvest, mining, oil and gas development, grazing, water diversions, and road building. Comments from respondents who would like to see no further development in IRAs included:

- Road building, development, and other activities associated with resources uses other than recreation have the potential to result in some form of environmental degradation.
- Opening more Federal lands for timber harvest would threaten the livelihood of small private timber producers.
- Roadless areas contain a limited supply of timber and account for less than ¼ of one percent of the Nation's timber supply.
- Roaded areas contain more productive, faster growing timber.
- For wood products, use only existing tree plantations in the National Forests.
- Alternatives to forest products can be used to meet the increasing demand for building materials and fiber, therefore it is unnecessary to harvest timber from IRAs.
- Alternative energy sources are a viable alternative to the non-renewable resources (coal, oil, natural gas) that could potentially be obtained within IRAs.

### **Loss of Natural/Pristine/Wildland Character, Including Old-Growth Forests**

Respondents who would like IRAs managed for their wild character and associated values state that:

- Old growth trees found in roadless areas should be preserved as national treasures.
- Protecting old growth and other unique forests in roadless areas is in the Nation's best interest.
- Older, larger, trees within roadless areas should not be used to generate income from otherwise less profitable logging sales.
- The Nation's natural resources are disappearing too fast without encouraging additional destruction.
- A cleared forest is not a forest; it is a tree farm.
- Some people see pristine natural areas as a place to refresh one's soul.
- The United States has already cut down 90% of its virgin forests and does not need to harvest additional timber.
- Last reserve old growth should not be cut unless there are substantial financial benefits.
- Extinction is permanent. Who are we to say what species has a right to survive and which species does not?

### **Biological Impacts**

Types of biological impacts include impacts to plants, wildlife, and fish; habitat degradation or fragmentation; reduced species diversity; and loss of baseline environmental conditions. A wide range of comments were made in this category including:

- Roadless areas provide unfragmented habitat that is needed by a wide variety of species including rare, threatened, and endangered species.
- Habitat loss is a geometric function of the amount of roads constructed per unit area.
- Repealing the roadless rule will result in increased fragmentation of these landscapes and subsequent affects including decreased genetic diversity within populations, decreased species diversity, and increased risk of local species extirpations or extinctions.
- In addition to habitat loss and degradation, building roads in roadless areas would result in numerous adverse impacts to threatened, endangered, and other terrestrial and aquatic species. Impacts mentioned include:
  - Adverse edge effects on interior-dwelling species.
  - Animals exhibiting displacement and avoidance behavior.
  - Increased access for poaching and illegal collection.
  - Increased potential for chronic negative interactions with humans.
  - Direct mortality from vehicles and recreational shooting.
  - Harassment and disturbance.
  - Barriers to dispersal and movement for some species.
  - Lethal toxicity of oil or other chemicals.
  - Introduction and spread of nonnative invasive species and diseases.
  - Increased sediment loads in streams.
  - Adverse changes in watershed hydrology and stream flows.
  - Alterations of stream channel morphology.
  - Degradation of water quality, including increased probability of chemical pollution.
  - Alteration of water temperature regimes.
- If timber harvest accompanied road building, additional effects would include loss of habitat complexity with respect to canopy structure, snags, downed logs, and species diversity.
- Building roads in IRAs could result in an increased probability of listing under the Endangered Species Act for species concentrated in these areas.
- Because roadless areas have not been disturbed by human development they provide a valuable source of scientific information on natural systems that can also be used as a baseline for assessing changes to actively managed forests.
- Roadless areas are reservoirs of biodiversity that may include yet undiscovered species of potential value (e.g., medicinal plants) and therefore need to be protected.
- The 2001 roadless rule is critical to preserving the best hunting and fishing areas as these contain the best habitat for wildlife and cleanest water for fish.
- Roadless areas are important to large game animals. For example the presence of trophy animals is inversely proportional to the proximity of roads where firearm hunting is allowed.
- Road access is not required to restore or maintain habitat for fish and wildlife.
- Wildlife migration corridors connecting remaining islands of suitable habitat should be included in a protection strategy.



## Watershed Impacts

Examples of watershed impacts include reduced water quality; increased runoff, erosion and sedimentation; soil compaction; impaired watershed function; loss of stream channel stability; and diminished riparian system health/function. Comments regarding impacts to watersheds focused on the value of high-quality water derived from roadless areas and the benefits to humans and wildlife, particularly fish, and the potential adverse effects that roads can have on watersheds. Respondents stated that:

- Established forests act as natural filters for water. Sixty million Americans get their drinking water from National Forests and therefore preserving roadless areas within National Forests is essential to protect sources of clean drinking water. In addition, respondents state that:
  - In some States, public water supplies are cleaner and therefore water treatment costs are lower because water originates in roadless areas.
  - Protection of roadless areas results in greater likelihood of compliance with State water quality standards.
  - Not harvesting within roadless watersheds results in a greater likelihood of runoff timing that maintains base flows and ensures consistent water delivery.
- Roads and associated construction have numerous deleterious effects on watersheds, including:
  - Increased soil surface erosion and increased potential for landslides if built on steep gradients.
  - Higher sedimentation and elevated levels of suspended solids within affected streams leading to reduced water quality and detrimental effects on aquatic organisms.
  - Changes in streambed substrate ultimately leading to degeneration of macroinvertebrate communities (main food source for trout and other fish) and degradation of spawning sites for fish.
  - Changes in the timing and magnitude of peak stream flows in some cases resulting in flooding.
  - Introduction of pollutants into waterways.
  - Overall riparian habitat degradation.

Respondents also raised the points that watersheds do not correspond with State boundaries. Therefore, actions allowed within a current IRA in one State could affect water quality downstream in another State. A related comment was that increased sedimentation associated with road building in roadless areas could ultimately reach the ocean and could adversely affect coral reefs.

## Fire Management

Types of fire management include fuels management, wildfire incidents, change of natural fire regime, and probability of wildfire. Respondents noted that the 2001 roadless rule allowed for roads to be constructed or reconstructed if needed to protect public health and safety in the case of fires. They also noted that the 2001 rule allowed for removal of small diameter timber to reduce the risk of wildfire effects and contain effects within the range of variability expected under the natural fire cycle.

Respondents also commented that:

- Increased road construction and related activities result in increased risk (through human- and equipment-associated ignitions) and severity of large fires in previously unroaded areas.
- Fuels reduction treatments are not needed in roadless areas because the risk of unnatural wildfire is lower in these areas and they are generally located miles from population centers.
- Fuels reduction treatments should be focused in wildland urban intermix zones to prioritize public safety and protect property in the most cost effective manner.
- Timber management activities often increase fuel loads in forests resulting in reduced fire resistance and post-fire resilience.
- According to the Forest Service less than 2% of IRAs are at risk from insects, disease, and fire and at least 98% of wildfires in IRAs have been controlled without constructing new roads.

### **Decreased Forest Health and Increases In Forest Pests**

Issues related to forest health and forest pests include noxious weeds, insects, and disease. Respondents state that a strong roadless conservation rule is central to the health of national forests and that roadless areas are an important contributor to maintaining and restoring the health of public lands. Specific comments related to noxious weeds, insects, and disease follow:

- The spread of native and exotic pests and pathogens is facilitated by roads and these organisms can be inadvertently transported and introduced to new areas by vehicles. Therefore repeal of the 2001 roadless rule would result in increased introduction and spread of invasive species.
- Roads create forest edges, which can make forest species more vulnerable to attack by invasive pests or pathogens (e.g., spotted knapweed, brown-headed cowbird, Port Orford cedar root rot, gypsy moth, tent caterpillar).
- Natural forests are more resistant and resilient to pests and therefore introducing roads into IRAs would result in degradation of forest health.

### **Damage to Traditional Cultural Properties or Impacts to Heritage Resources**

Issues related to cultural properties and heritage resources include loss, damage, vandalism, or violation of sacred sites. Respondents state that road building has the potential to result in the loss or damage of traditional cultural properties and noted the importance of involving tribes in forest management decisions.

### **Reduction of Nonmotorized Recreational or Scenic Value**

Respondents state that building roads into roadless areas would result in reduced opportunities for recreation in more primitive areas. Therefore, as demands for this type of experience increase, activities will, by necessity, be concentrated in fewer areas.

Additional comments, with respect to recreation, are summarized under the recreation heading below.

## **Air Quality Impacts**

Respondents state that protection of roadless areas would result in better air quality in these areas than if roads were built. In addition, respondents state that:

- Forests in IRAs play an important role in the global carbon cycle, particularly through storage or carbon sequestration. By removing the greenhouse gas carbon dioxide from the atmosphere and storing it in biomass and soil they have the potential to mitigate global warming.
- It is estimated that roadless areas provide \$490 million to \$1 billion in carbon sequestration services.
- The economic value of carbon sequestered on National Forest Lands is 30 times the timber value of those lands.

## ***Multiple Use Management Emphasis***

Those who favor multiple use management of roadless areas state that this approach would allow for one or more of the following benefits:

- Improved forest health.
- Improved access for fire suppression and public safety.
- A supply of forest products and mineral resources.
- Public access for a wide range of recreational experiences.
- Improved access for permitted uses of public lands.
- Improved access to private lands.

These benefits are discussed in detail below.

## **Fuel Treatment, Protection of Forest Health, and Control of Forest Pests**

Examples of forest health issues are noxious weeds, invasive species, insects, and disease. Respondents expressing the need to construct roads in roadless area to address forest health concerns state:

- Nearly 40% of IRAs are at moderate to high risk from catastrophic wildfires or insect and disease infestations.
- The prohibition on road building in roadless areas would have detrimental effects on efforts to improve forest health and wildlife habitat.
- Access to roadless areas, even if primitive, is needed to manage forest to achieve an acceptable level of forest health, for example by reducing fuel loading through thinning and controlled burning and removing insect or disease-affected timber.

Respondents also state that active management of roadless areas can be achieved without intensive road development, for example with the use of draft animals or balloons rather than mechanized equipment to remove logs.

## **Fire Suppression, Emergency Access, and Improved Public Safety**

Respondents state that prohibiting roads in IRAs would have detrimental effects on efforts to control wildfires. Furthermore they comment that roads should be permitted in order to protect against threats to human safety and property.

## **Wood Product Production**

Respondents citing the need to road areas for wood product production stated that:

- Timber harvest is a necessary use of forests and that proper harvesting can improve forest conditions, reduce housing costs, and provide employment.
- Timber harvest leads to healthier, more fire resistant forests and improved conditions for hunting, fishing, and hiking.
- Net income from timber harvests could be used to protect endangered species.
- Sustainable forest management is key to the use of this valuable resource.

## **Mining and Oil and Gas Exploration/Production**

Respondents note the important role that the development of energy and minerals plays in the economy of areas where these resources are found. In addition, they point to the role of these resources in meeting increasing energy demands and achieving energy self-sufficiency in the Nation.

## **Livestock Range Management**

Respondents state that 1) no roadless areas should be designated that will adversely impact grazing permit holders and 2) ranching should be promoted on both public and private lands.

## **Motorized Recreation, Recreation Development, and Recreation Access for the Disabled**

Respondents stated that all individuals are entitled to equal access to public lands for both motorized and non-motorized recreation. Some respondents stated that roads were necessary in order for them to access areas via motorized recreation. Others mentioned animals (e.g., horses or mules) could be used by many, but not all individuals to access remote areas. Additional issues related to recreation are discussed below under the recreation heading.

## **Access to Non-Federal Lands (Inholdings) and for Rights-Of-Way or Other Authorized (Permitted) Special Uses, Including Utilities**

Respondents state that:

- The proposed rule would provide a means of resolving issues related to access of the 422,000 acres of private land and 43,000 acres of State land located within IRAs.
- Increased development within and adjacent to IRAs should be allowed and will be necessary to meet growing demands for recreation now and in the future.
- Access to Federal lands is a right that should not be denied to any citizen.

Other respondents do not view the above points of view as being mutually exclusive, noting that portions of currently-roadless areas most suited and valued for maintenance of natural conditions should be so managed, whereas other areas, or portions of areas, can and should be used to meet other societal needs.

## **Recreation Management**

Regarding the types of recreation that should be allowed in roadless areas, respondents divide into groups that favor retention of nonmotorized recreation, those that want motorized recreation

to be allowed, and those that believe both types of recreation can be provided in different locations, based on site-specific conditions. Common among these groups are the goals of recreational enjoyment and escape from hectic city life.

Respondents in the first group want roadless areas to be preserved for recreationists who seek a primitive, wilderness-type experience in a pristine, natural setting, where development and motorized vehicles, including off-highway vehicles (OHVs) and off-road vehicles (ORVs), are not permitted. They comment that OHVs create loud noise; have negative impacts on air quality, water quality, plants, and wildlife; and make the areas in which they are used unsafe for humans. Some assert that OHV users create routes illegally in roadless areas and request enforcement of proper OHV use so that they are only used in designated areas. Respondents in this group state that natural areas without motorized use or development provide necessary experiences of solitude, connection to nature, artistic inspiration, and spiritual renewal. These experiences are often linked to mental and physical health.

Respondents in the second and third groups argue that portions of roadless areas should provide for motorized recreational activities, including use of OHVs and ORV, for those who prefer this type of recreational activity. Some people in these groups have the perception that the 2001 roadless rule would have involved closure of existing authorized roads. Some state that some areas that are designated roadless areas are not pristine, but contain existing roads, hiking trails, and motorcycle and OHV trails. They comment that OHV use should be permitted in these areas, and only pristine areas should be designated as roadless areas. They view OHV use as a beneficial family activity that teaches responsibility, appreciation of a natural environment, and team building skills. One suggestion offered is that land managers could work with OHV groups and other recreators to reduce their impact on the environment, yet still enjoy their activities. Some respondents also favor allowance for recreational developments that require motorized access, such as ski areas. Some state that roadless area designations prevent the elderly from enjoying National Forests.

Some respondents are concerned that constructing roads in roadless areas would make these areas accessible for illegal activities (such as littering/dumping, illegal hunting, poaching, illegal OHV use, arson, and marijuana plant cultivation), which can discourage recreational activity. Others, however, state that roadless areas are more attractive of illegal activity. Some comment that the Forest Service should be able to enforce laws adequately in existing roaded areas before opening new areas to road construction.

Some respondents note that areas retained in unmodified condition can be used for scientific research and environmental education. They state that these areas are unique because they have not been disturbed by humans and that research on them can benefit all humans now and in the future.

Respondents suggest that the Forest Service use roadless areas near population centers for recreational uses rather than for commodity production.

## Special Designations

Some people advocate designation of roadless areas as *Wilderness Areas* as part of the National Wilderness Preservation System under the Wilderness Act, to ensure more lasting protection than rules that the Secretary of Agriculture can provide. Comments in favor of special designation for Roadless Areas include:

- Supports Wilderness designation for IRAs.
- Supports Wilderness designation for these lands and urges USFS to recommend such designation to Congress.

Others take the opposing view, noting that large portions of roadless areas have already been considered for Wilderness designation and have been rejected.

An additional comment addressed the value of existing Roadless areas as follows:

- Maintain their values and characteristics for future consideration as Wilderness.  
Protect these values and justify why roadless values should be secondary

## **Social and Economic Values**

Respondents offer views on how the designation of roadless areas would affect social values or local and global economies. One view is that building roads in roadless areas and utilizing forest, mineral, and energy resources would promote the economic stability of rural communities and the nation as a whole, create or maintain jobs, and improve or maintain the quality of people's lives. Another perspective offered is that these actions would degrade economic conditions both locally and nationally by reducing the recreation economy that depends upon the presence of pristine wildlands, and would diminish the quality of people's lives and their legacy to future generations.

Some respondents assert that roadless areas should be developed to promote private industry, while others argue that use of public funds to construct roads in these areas would amount to an unacceptable public subsidy of private industry. Some of these same respondents believe that the financial resources required for developing roadless areas would be better directed at other priorities, especially maintenance of the extensive existing road system on National Forest System lands. Some people say that existing cost-benefit analyses should be reviewed or revised before the proposed rule is adopted, to reveal net benefits to both the public and industry.

On the topic of the global economy, one comment is that restricting natural resource development makes the Nation too dependent on foreign resources and that greater resource protection in the United States causes greater environmental degradation globally. With regard to homeland security, road development in roadless areas is generally seen opening the areas to migration of undocumented aliens and possible terrorist activity. More specific types of responses follow.

### ***Allowing Development of Roadless Areas Would Create Jobs and Promote Economic Stability of Rural Communities, States, and the Nation***

- The 2001 roadless rule has worked to restrict access to timberlands, therefore harming local economies. This resulted in layoffs and increased the tax burden on other citizens.
- Reduction in the Forest Service timber management program has resulted in sawmills closing.
- Increased timber availability creates jobs related to timber, paper, and wood products. The proposed rule would create and retain these types of jobs in the United States.
- Logging can reduce housing expenses and increase employment.

- Not just producers suffer from lack of access to roadless areas, but businesses that support these forest-commodity industries and provide for financial stability of rural communities also suffer.
- Local economies suffer because of decisions made by those outside the communities who are not affected by the results.
- Multiple use of all public lands is vital to local economies.
- Negative effects to local economies are negative for State and national economies as well.
- People rely on wood as an economic heating source.
- Economic activity in National Forests provides counties with funds for providing educational services
- Changing roadless boundaries by a small amount would increase a large amount of natural gas at a time when domestic supplies are declining.
- Alternative energy sources, such as wind, hydroelectric, and thermal power would be more accessible if they were not banned from roadless areas.
- Limiting future mineral exploration, coal mining, and development opportunities on National Forest System lands, would endanger jobs, mostly in rural areas. If these jobs were lost, it would not be possible to replace them with equal or more high-paying jobs.
- With many local governments depending on *payment-in-lieu-of-taxes* (PILT) funds derived from Forest Service projects within their States, sufficiency of funding for schools and counties should be considered when reviewing Governor's petitions for disposition of roadless areas.

### ***Development of Roadless Areas Would Eliminate Jobs and Diminish Economic Stability of Rural Communities, States, and the Nation***

- National Forests provide more jobs than businesses related to resource extraction.
- Protecting and enhancing the quality of the western communities would generate more jobs and higher income, while allowing logging in roadless areas would have the opposite effect.
- Economic values from roadless areas include recreation use benefits, community benefits, passive use benefits, scientific benefits, offsite benefits, biodiversity conservation, ecological services, and educational benefits, open space, quality of life, ecological services.
- Studies and statistics that show roadless areas have greater economic value if left in their wild condition. Road construction, maintenance, and removal is costly, and public lands that are roadless are more profitable. Local economies are becoming more landscape-focused and therefore would profit from protection of roadless areas. Recent economic trends indicate that small businesses and tourism related to roadless lands are becoming more important to local communities than extractive industry.
- Outdoor recreation and tourism center around roadless areas and benefit local communities. Preserve this sector of the economy for future generations.
- The Forest Service should not attempt to control the destiny of rural communities – the timber industry inherently booms and busts.

- Protecting roadless areas will help stabilize rural communities by helping attract businesses that want to be located near healthy environments, where they are more likely to hire and retain high quality workers who want quality of life.
- Roadless areas curb Federal spending by retaining their natural ecological functions, which prevents the need for costly restoration projects and conservation planning.
- A future shortage of wood products is not likely.
- Protecting roadless areas would only minimally reduce the extraction of natural resources because so little Federal land is roadless and most of the designated areas are roadless now because they would not be productive anyway.
- Prohibiting roadless area timber sales would have a minimal effect on the timber industry and employment.
- Environmental protection most often does not come at the expense of either income or employment growth in the western United States.
- Maintaining roadless areas provides the benefit of diversification of local economies.
- Opening roadless areas to industrial activities is an economic failure.
- Do not cater to profit for the few.
- Commercial logging does not capture the cost of externalities to the environment. Externalities should be captured in the cost of the downstream products that resulted from consumption of these environmental resources.
- FS should consider environmental service values that would be lost when roadless areas are developed.
- Short-term economic perspectives lead to long-term devastation.
- Some people rely on roadless areas for subsistence hunting, fishing, and gathering.
- Roads in roadless areas would lower property values of adjoining private lands.
- The proposed rule is a covert tax increase.

### *Legacy Values*

- Preserve roadless areas in their current state so that future generations can reap the ecological and economical benefits of these areas. Roadless areas are not replaceable and are valuable legacies that future generations should inherit. We have a moral obligation to preserve them for future generations throughout the world.
- Roadless areas could have uses that have not yet been discovered.
- Roadless areas define national identity and are a symbol of freedom and democracy
- These areas are national heritage and do not solely belong to the locals.
- People have cared for the roadless areas in anticipation of handing them down to future generations.
- Poorer States will have greater economic incentive to decimate their public lands. Economic pressures lead to development of conserved lands.
- Reversing this course of action (i.e., building roads in roadless areas) will be difficult or impossible.

### *Quality of Life*

- Roads through wilderness areas increase chances of cars hitting animals, which can lead to animal and human harm or deaths and damage to vehicles.



- Increased roads and development increases the number of animals that migrate into cities and towns, which is a safety concern.
- Wilderness areas allow for opportunities of discovery.
- Locals appreciate the areas they live in and want their descendants to enjoy it as well. They feel that they have a vested interest in the land around them. Governors, as officials elected by the public, are in an ideal position to recommend the best balance of multiple use and protection of roadless areas. The Governors will answer to their constituents for any failure in stewardship.
- National Forests are for all Americans, regardless of income. These national assets are often the few that the lower income population can enjoy.
- America's people will contract more disease and illness as we have exhausted Nature's ability to regenerate and to maintain its natural cleaning systems.
- Scientific journals have many papers about the negative results of fragmented woodlands, which have led to species extinctions and emerging diseases.
- Weakening of roadless area protection promotes antagonistic relationships between those who seek preservation of the wild country and those working to manage the National Forests for economic reasons.
- Rural lifestyle depends upon access to these areas by horseback riders, who need road access into them to transport their stock.

### *Use of Roadless Areas to Promote or Subsidize Industry*

- Areas used for extraction should be less desirable from a recreational or wilderness designation standpoint and should ensure that resources are leased at a fair market cost. The additional revenue could be applied to reclamation and replanting activities.
- The Forest Service has spent more money administering timber sales than it has earned from sales. Roadless areas remain unlogged because they are difficult and expensive to access, do not contain high value timber, or contain trees having slow growth rates.
- The income from logging timber sales does not approach the cost of developing and maintaining the roads. Citizens' tax dollars should not support the operations of private businesses.
- Timber companies should not be allowed to gather timber on public lands. Allowing more areas to be roaded would increase the amount of money private industries earn from government subsidies for building roads on National Forest Service lands. The timber industry costs taxpayers money.
- Taxpayers pay to restore areas damaged by logging.
- Ending logging on public lands would increase the value of private woodlands and their wood.
- Subsidized NF timber sales place small-scale timber producers at a competitive disadvantage and create market barriers for alternative fiber producers and recyclers.
- The companies who want the wood should build the roads.
- Big business should be held responsible for forest destruction and be required to clean up their messes and return the environment to its natural state.

- Private interests who intend to profit from public lands should go through a petitioning process.
- Economics has no place in nature or National Forests. Most of the Nation's wood comes from Canada and United States lumber is sold to other countries.
- Proposal to abandon the Roadless Rule represents a distorted economic subsidy. Most of the West's economy does not depend on logging and other extractive industries. The West's natural environment is its greatest long-term asset.
- Do the benefits of roadless areas exceed the costs of extending and maintaining the existing road network?
- Most of these roads were paid for with State and Federal tax dollars, they are a part of the United States' essential infrastructure and icons of the Nation's cultural heritage.
- Rural towns that rely on the subsidized timber industry should nurture new businesses.
- The 2001 roadless rule was good fiscal policy. Opening the roadless areas will hurt smaller tree farmers and therefore the economies of many States. Smaller tree farmers using private timberlands must compete with multinational corporations taking advantage of government subsidies for accessing and harvesting trees from Forest Service lands. The result is that the smaller, disadvantaged companies go out of business, the land is subdivided and sold to developers and lost to forestry production, and the United States economy relies even more heavily on the larger companies that cut timber in National Forests than on production from privately-owned timberlands.

### *Reallocating Costs of Roadless Area Development to Meet Other Needs*

- The time and money spent on the rulemaking and petitioning process could be better spent fixing existing problems.
- Subsidy money and money spent on building additional roads would be better spent on the maintenance backlog for existing roads, closing and revegetating existing roads, providing more security, creating additional fire fighting capacity, and forest management related funding.
- The Forest Service should educate the public in ways to conserve energy so that more oil and gas development is not needed.
- New roads in National Forests adversely affect adjacent private lands. Unregulated user-created roads lead to erosion, invasive weeds, fire hazards, and expenses for private landowners. Areas are insufficiently patrolled and no new road construction should occur. Existing areas with roads should be properly managed.
- Invest funds in retraining timber company workers into more productive endeavors.
- Give farmers incentives to tree farm and to work with logging companies.
- Encourage planting of fast growing trees for pulp.
- Promote more managed forests by lumber companies and reforestation of lands they own.
- Alternative construction materials to wood should be encouraged.
- Administration should research alternative sources of fuels and supplies for paper.

### *Global Economy*

- Forest management prevents fires that impact wood products and increase the foreign trade deficit.
- Allow for oil drilling so that the United States does not rely on foreign nations for its oil supply
- Do not add limits to timber harvesting; the Nation's population is expanding and the world's timber resources are declining.
- Local importing of wood products has a detrimental global impact because other nations with looser environmental regulations then supply these products and create more impacts to the environment.
- United States timber companies should move their assets to foreign countries where they can grow fiber more efficiently than on United States forest lands.
- If timber is not allowed to be harvested, the United States will be controlled by imported wood products, just as the Nation's supply of oil is now controlled by the foreign petroleum industry.

### *Homeland Security*

- New roads in roadless areas will become a beacon for undocumented aliens walking through.
- Roads will be an open invitation to any terrorists who could use them to gain access, start fires, create roadblocks, and simply drive the back roads to hide.
- Roads make homeland security in forests more difficult.

### *Other Socioeconomic Issues*

- A large percentage of land in some States is owned by the Federal Government, so Federal decisions greatly affect local economies.
- Communities, including rural communities, adjacent to Federal lands, are greatly affected by Federal land management.

## Chapter 2

### Sample Issues

This chapter provides excerpts from the responses that represent the issues raised and views summarized in Chapter 1, “Issues Summary.”

#### Proposed Rule

##### 1. Issue: The Forest Service should not implement the proposed rule.

###### **BECAUSE ROADLESS AREAS ARE FEDERAL LANDS AND SHOULD BE MANAGED UNDER UNIFORM NATIONWIDE POLICIES.**

We are deeply disturbed by your administration’s recent decision to repeal the widely popular Roadless Area Conservation Rule. The proposal that Secretary Veneman announced on July 12th breaks a promise she made on May 4, 2001, when she said, “We’re here today to announce the department’s decision to uphold the Roadless Area Conservation Rule.” Moreover, it goes against the wishes of the 2.5 million public comments the Forest Service has received in support of the rule...Given the many important values of the Roadless Rule and the wide support it enjoys, we oppose your proposal to replace the rule with a process that requires governors to petition for protections for roadless areas in their states with no guarantee that the protection will be accepted or enforced by the Forest Service. Decisions about land use and land protection within the national forests are supposed to be the job of the federal government, not the job of state governors who are elected by the citizens of the state and often do not have the staff or expertise to make land management decisions. Moreover, your proposal essentially allows governors veto power to eliminate roadless protections in favor of increased logging, mining or other development on federal lands by reverting to local forest management plans should a petition to seek protection not be filed. (Elected Officials (Members of Congress), Washington, DC – 2023)

This state petition scheme is a totally unacceptable abdication of federal responsibility to manage the national forests for the long-term benefit of Americans. These are national forests, not state forests. They should be managed in accordance with national laws and public input, not the local views of individual state Governors. (Organization, Missoula, MT – 2153)

The proposed rule would replace the existing roadless rule, thus rendering all 58 million acres of inventoried roadless areas in the United States open to road building, logging, and resource development unless a Governor initiates the “opt-in” process and the Secretary grants additional protections. If a state’s Governor does not petition for protection or the Administration rules adversely on a petition, management of inventoried roadless areas would revert to the individual national forest’s management plans, which most often require no special protections. (Organization, Washington, DC – 2226)

We are not in need of a new petition process that includes new procedural requirements and deadlines that could result in no national protections for roadless areas in our national forests. (Organization, Tucson, AZ – 2227)

The draft rule, published in the Federal Register on July 16, 2004 (69 Fed. Reg. 42636), replaces the existing rule with a petition process that is unnecessary, redundant and discriminatory. ...[Our] members include citizens of states whose governors would not be permitted to petition the Secretary of Agriculture under the draft rule. (Organization, Eugene, OR – 2229)

**NATIONAL FORESTS ARE OWNED BY ALL AMERICANS AND SHOULD BE MANAGED FOR THE BENEFIT ALL U.S. CITIZENS.** They are not the province of individual states but our common national heritage. Governors should not be given power over federal lands. These are not

state forests and should not be treated as if they were. It is unconscionable that citizens who live outside a state where a national forest is located will have no input in the process of determining the fate of roadless areas they value. If governors can petition for special roadless area protections, then every member of the general public must be given that right as well! The U.S. Forest Service should not have the right to disenfranchise up to 99% of the owners of some of these lands (only a tiny minority of citizens owners of the forests live in some of the sparsely populated Western states where roadless areas are most threatened). (Organization, Royal Oak, MI – 2480)

Our national forests simply must not be left to the machinations of individual state governors, many of whom are too effectively influenced by those entities that consider forests only for the cash to be made from them. The proposed state petition process is an utterly unacceptable undermining of the federal government's responsibility to manage national forests for the long-term benefit of all citizens and for the maintenance of public trust values. (Organization, Kneeland, CA – 2494)

We hereby voice our opposition to repeal of the Roadless Area Conservation Rule, a policy derived from careful scientific study of our wilderness needs and responses from citizens concerning their attitudes towards wilderness preservation. (Individuals, Charlestown, NH – 2687)

I am writing to request that the current Roadless Area Conservation Rule (RACR), adopted in January 2001, be retained and that the State Petition (Docket No. 04-16191) be denied. National Forests must be managed at the federal level and management decisions should not be turned over to state governors as the petition proposes. Although local governments opinions are important, the National Forest requires the protection afforded by the current RACR. Forest policy should be determined by priorities based on understanding of the national system, and larger public and environmental values than those of individual states. (Individual, Seattle, WA – 3161)

As you know, the National Forest System was established by President Theodore Roosevelt to ensure protection of our natural resources across the country for the benefit of all Americans, not just the residents of a particular state. Only the federal government has the ability to assure consistent management system-wide. Due to the potential for states to have different priorities, the proposed rule could lead to incompatible management of adjoining roadless areas that are located along shared state boundaries. These roadless areas are often contiguous ecosystems that should be managed as a single unit. (State Agency, Santa Fe, NM – 3481)

National Forests were established as federal lands to be managed by the federal government. First Chief Gifford Pinchot and President Teddy Roosevelt saw the need to get these lands away from local control and the whims of local politics in the 1890's and early 1900's. The Administration's proposal flies in the face of the wisdom of those early pioneers and the reasons for establishing the National Forest system. Those reasons are still valid today. The beauty of the National Forest system is that those lands are owned by all of the Nations' people to be managed in trust by the federal government for all of the Nations' people. The proposal would abdicate this responsibility to state governors. If the proposal is adopted, it is highly likely that courts would find it violates the Organic Act creating the National Forests and other laws. (Individual, St. Hood River, OR – 4172)

We STRONGLY OPPOSE the Bush Administration's plans to replace the Clinton Roadless Area Conservation Rule with this inadequate, cumbersome, and undemocratic "state petition" process, that is clearly designed to render the original roadless rule meaningless. (Individual, Marenisco, MI – 9195)

[T]he proposed state petition process is unnecessary because states (and any other group or individual) already have the authority to petition the Department of Agriculture for rulemaking. 7 CFR 1.28. All that the draft rule adds is a long list of bureaucratic hoops and barriers that make the petition process much more unwieldy and onerous for the state. (Organization, Charlottesville, VA – 43130)

In addition, we strongly object to the notion that individual states, with the primary initiating responsibility under the proposed rule, should control the fate of our national forest roadless areas. These are national forests, not state forests; accordingly, the management direction for these

federal lands should be determined by the federal government based on the needs of the land and the views of all Americans. Giving individual governors a special regulatory role, as proposed, would virtually guarantee inconsistent management of national forest lands. Roadless areas that straddle the border between two states could be split between protection in one state and no protection in the other. (Organization, Charlottesville, VA – 43130)

While we recognize that there are some places in which locally governed policy is appropriate, we are concerned that the proposed directive will significantly reduce administrative protection for national forest roadless areas. Turning over roadless area management decisions to the States, which may not have the best interests of all the American people in mind, is contrary to why the national forests were established in the first place. Three decades of debate have failed to produce a local solution that limits roadless area losses, because those decisions have often been based on a lack of sound scientific understanding of the values that roadless areas provide for the nation as a whole. We expect that the nation's remaining federally owned forested roadless areas will be managed to the highest ecological standard, and will be protected from further degradation. We do not expect the proposed directive to provide that standard and we request that it be rescinded. (Organization, Charlottesville, VA – 43130)

As businesses, organizations, and citizens of Virginia, who benefit greatly from our National Forests, we wish to publicly voice our support of upholding the Roadless Area Conservation Rule in its entirety. The Roadless Area Conservation Rule ensures that our national forests will continue to provide clean drinking water for millions of Americans and critical habitat for fish and wildlife species. Additionally, the rule provides full access for recreational activities such as hiking, paddling, biking, hunting, fishing and wildlife viewing and closes no existing trail. The balanced rule does not close any existing roads and also allows for new roads needed to protect public health and safety in the cases of fire or flood and for accessing private property or existing oil and gas leases. (Organization, Charlottesville, VA – 43130)

The proposed rule gives excessive power over federal public lands to states and communities near the forests. The relevance of local forest planning is in providing information about ways to expand protection of wild areas. Local input should not be relied on to support reduced protection in the form of expanded logging, road construction, off-road vehicle use, mining, oil or natural gas extraction, grazing, or other destructive uses. The reason is that some vocal portion of locals will always have an economic incentive to support extractive use of public lands. If local input were the deciding factor, we would have no Yellowstone National Park or Grand Canyon National Park. The public lands belong to all Americans, and are not only for the benefit of those who have chosen to live near them. (Individual, Dallas, TX – 7910)

We say the proposed rule is silly because it pompously declares that governors may petition the government for rulemaking concerning roadless areas, as if this is some kind of new power conferred on state governors by an administration that is newly interested in hearing what they have to say. But governors have always had this power—or at least have had it since 1791—under the First Amendment of the Constitution, which states that “Congress shall make no law...abridging...the right of the people...to petition the Government.” Supporting this Constitutional right is 5 U.S.C. 553(e) which further ensures the right of people to petition the government for rulemaking....This is not a local issue. It is not an issue appropriately decided by local people. It is a national issue, and as a national issue it requires a consistent, national response like the one in the current rule. The current rule should be retained, and this cynical, silly effort by a few people beholden to powerful industrial interests should vanish into the dustbin. It is, in fact, a national embarrassment, and it will be seen that way by future people who will shake their heads in sorrow at what we have done and with shame equally directed toward those who did it and those who let it happen. (Organization, Tucson, AZ – 1686)

## 2. Issue: The Forest Service should implement the proposed rule.

### **BECAUSE STATES SHOULD BE ABLE TO INFLUENCE MANAGEMENT POLICY FOR FEDERAL LANDS WITHIN THEM**

My family supports the planned amendment to the Roadless Rule that will allow local governments, (State Governors), to be involved in the process and make the decision regarding implementing Roadless areas in their states. We do not expect our local government to do an in-depth inventory of roads and trails in these areas and hope they will invite ALL land users to participate in the inventory process and in the final decision making process. (Individuals, Selah, WA – 293)

Overall, the proposed rule is a balanced and responsible approach to the management of inventoried roadless areas on National Forest System lands. We strongly support the new roadless area rule. (Elected Officials, Sundance, WY – 1412)

[W]e would like to commend your agency for its proposal to give individual states a greater voice in the management of federal forests contained within its boundaries. We appreciate the confidence you have shown in the decision making capabilities of state and local governments, and we are eager to begin this new collaborative venture. (Elected Officials, Madison, WI – 1414)

On July 14, 2003, in the litigation with the State of Wyoming, the U.S. District Court for the District of Wyoming, issued a permanent injunction and set aside the roadless rule. Now, one year later, we have a proposed new rule, that while not addressing all the concerns of the old enjoined rule, is still significantly better. (Elected Officials, Duchesne, UT – 1472)

Nevada supports the Administration's position regarding increasing and strengthening states' rights. We look forward to working with your agency in the development and implementation of the U.S. Forest Service petition process, which will replace the January 12, 2001 roadless rule.

The potential with this provision is that local officials and others will be able to identify areas for roadless inclusion, allow for local resources, and assure property owners access to private property. This new proposed rule appears to us to have other positive features, and could drive more realistic principles of conservation based on common sense. For instance, the proposed rule could correct one of the most glaring flaws contained in the 2001 Clinton Roadless Rule and that is not all areas designated as roadless were actually roadless or pristine. It was no secret that within many of these so-called roadless areas were found roads, power lines, Federal Aviation Administration Radar and tower sites, water and gas pipelines, campgrounds, mines, reservoirs, and radio towers. The presence of those man-made objects should have disqualified the areas if roadlessness principles were honestly employed in the roadless inventory. (County Government Association, Murray, UT – 2223)

While this new proposed rule encourages local and state involvement in roadless decisions, the Secretary of Agriculture still maintains final approval and decision making. It does represent a major step in the right direction. We encourage its final implementation. (County Government Association, Murray, UT – 2223)

The IMA supports the proposed rule and believes that it provides an appropriate mechanism for the management of roadless areas. This is very critical. The January 2001 roadless rulemaking by the Clinton administration was flawed both in the rulemaking process and content. The proposed rule on State Petitions provides an opportunity to correct the errors made in 2001 and put in place a process that meets the prior statutes on management of the national forest, provides for input from affected parties and should result in better decisions on the management of the roadless areas in national forests. (Business, Boise, ID – 3206)

I am writing in support of the proposed repeal of the Clinton Roadless Rule. I believe the revised rule is more proactive and addresses the need for a balanced review of the facts. It will also allow for adjustments and the ability to rethink and refocus on the nearly 60 million acres of Roadless areas imposed during the waning weeks of the Clinton administration. (Individual, Tacoma, WA – 3994)

By allowing state governors to involve local communities and state officials in the petition process, the Forest Service will then know how each local national forest should be managed with regards to its adjacent communities, the people most affected by the use of the land. As Americans for Responsible Recreational Access stated, "In forests where there is a reason to demarcate roadless areas, the governor will have the chance to petition the Forest Service to designate them as such. Where the roadless designation is not warranted, the governor can make that determination, both after consulting with local communities". This is how public lands management should work- with significant local public participation. Not from individuals thousands of miles away! (Individual, Paradise, CA – 4256)

State input to each national forest's land use planning process through active collaboration will enhance land use planning beyond that implied by the rule, it will give the states an opportunity to insert their goals and land managing expertise into critical land use decisions. (State Agency, Salt Lake City, UT – 2288)

Our member companies and the millions of riders who use our products off-highway have a vital interest in the use and management of public lands. We share the United States Forest Service's (USFS) desire to sustain the health, diversity, and productivity of our lands for the use and enjoyment of present and future generations. We believe that the current roadless area proposal, with its flexibility and its focus on state and public participation, can help meet this objective and still provide millions of enthusiasts abundant recreational activities. (Organization, Arlington, VA – 89266)

While we understand giving states a greater say in Roadless decisions is important, we believe the proposed revisions fail to meet the needs of family operations and is not consistent with the policies established by this administration and Congress...Allowing state government the opportunity to weigh-in on this issue is one thing. We fear this proposal turns critical management decisions over to the state, thus ignoring the agency's responsibility to manage their land. (Organization, Orland, CA – 1470)

Although, we appreciate your efforts to correct the flawed January 2001 rule, we suggest the following changes:

- (1) the proposed regulation should retain the definition of "inventoried roadless areas" areas contained in the January 2001 rule.
- (2) that final regulations require each national forest to conduct a review of all proposed roadless areas to insure that they still meet minimum requirements. Also, provide a mechanism in the regulations that permit boundary adjustments in cases where all or portions of proposed areas no longer meet requirements.
- (3) the final rule must ensure that roadless areas are managed through land management plans as required by law. The agency has no legal means of managing lands other than under the requirements of the 1976 National Forest Management Act and other applicable laws. For sure, there is no legal mandate for managing roadless areas under other guidelines.
- (4) that State Governors be permitted to petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of proposed roadless areas in their states. However, any changes to an inventoried area must be made through an amendment or revision of the land management plan for that area.
- (5) that the final rule provide guidance to governors as follows:
  - o seek professional assistance from the State Forester and Forest Supervisor,
  - o consider current and future wildlife risk conditions,
  - o review the management decisions for roadless areas set out in the applicable forest plans,
  - o consider needs for access to state and private lands,
  - o carefully look at each roadless area and consider if the area is actually needed,
  - o adjust boundaries to exclude areas already roaded,



- o consult with local elected officials,
- o consider social and economic impacts of their proposals. (County Agency, New Augusta, MS – 1474)

Through local forest planning, all values can be considered in a comprehensive context and lead to effective recommendations for management actions. These recommendations may include reallocating some of the 24.2 million acres currently under management prescriptions that prohibit road construction into a different management designation. Or they may recommend that Congress consider all or portions of the existing roadless areas as wilderness areas where deemed appropriate. Such collaborative, consensus-based planning approaches present an effective pathway to increasing State and local involvement, reducing conflicts over values, and identifying management actions that address social, economic, and ecosystem needs through a balanced approach. (Organization, Washington DC – 1468)

### **3. Issue: The Forest Service should implement the proposed rule, with modifications.**

For recommended changes to the proposed rule, see *Issue 9*, subsection “The Protocol for State-Specific Rule Making by the Secretary of Agriculture is Not Sufficient (294.15 State-Specific Rulemaking)”.

The Interim Directive continues partial implementation the vacated Roadless Rule. Interim Directive 1920-2004-1 restores the directive adopted by the Forest Service on June 7, 2001, which was based upon the aforementioned vacated rule. It also includes the same definition of an inventoried roadless area contained in the vacated rule. As such, the Interim Directive returns management of "roadless areas" back to the original 2001 Roadless Rule, which has been deemed unlawful. Therefore, we recommend that the Forest Service retract the Interim Directive, ensure proper completion of a roads analysis for each forest, and submit those areas to the States for consideration. (Business, Somerset, CO – 19443)

The 7-16-04 Forest Service Interim Directive No. 1920-2004-1, 69 FR 42648 (hereafter “2004 Interim Directive”), is substantially similar to the now defunct 2001 Roadless Rule. The 2004 Interim Directive is legally defective for the same reasons and should be withdrawn. (Elected Official, Salt Lake City, UT – 36366)

### **4. Issue: The Forest Service should modify the 2001 roadless rule.**

The Forest Service should pay attention to the “more reliable information and accurate mapping” and advice of those with “local expertise and experience” have already provided, including conservation groups. The Forest Service should add all de facto roadless areas of 1,000 acres or larger (or of any size if they are adjacent to existing roadless areas or wilderness areas and are not separated by improved roads, powerlines, and other disqualifying infrastructure from these areas) to the 58.5 million acres of land identified as roadless in the RACR FEIS...The Forest Service should establish itself as the lead agency in undertaking a comprehensive effort to identify, add, and protect all additional uninventoried roadless areas that have not yet been properly identified and inventoried as roadless and protected as such under the Roadless Area Conservation Rule... The Forest Service must reopen its roadless inventory and reconsider areas wrongly excluded from the inventory. We include below a list of areas which meet the roadless criteria and which must be included in the inventory. (Organization, Roanoke, VA – 2176)

[We] support a change in the existing inventoried roadless rule, adopted on January 12, 2001; however, we do not support the Notice of Proposed Rulemaking. We strongly disagree with the “state petitioning process” under this proposed rulemaking which would provide state governors an opportunity to establish management requirements for National Forest System inventoried roadless areas within their state. This proposed petitioning process presents itself not only with political hurdles but backlash from environmental preservationist groups. These groups do not

want to see active management in inventoried roadless areas and are well connected with voter constituencies and with the media. (State Agency, Charleston, WV – 2231)

However, the Roadless Rule as passed in January, 2001 had certain problems. While its top-down strategy was justified, it failed to adequately take into account local concerns. In addition, because it necessarily used outdated mapping data from RARE II, it identified some areas as roadless which actually were not. These errors are correctable, and the underlying thrust of the rule was appropriate. (Individual, New York, NY – 2535)

You have given Governors the choice of whether to protect any roadless areas in their state, abdicating your federal responsibility...This rule amounts to permission for pro-development Western governors to leave unprotected all the roadless areas in their state...Instead, there should be a presumption for preservation as there was under President Clinton's Roadless Rule. Governors would then petition not to include, but to exclude roadless lands from protection when certain enumerated criteria are met...This will address the majority of concerns expressed following the passage of the roadless rule which did not question the goal of preserving the last remaining unroaded areas in our National Forests, but questioned doing so in such an inflexible manner. (Individual, Gilbert, AZ – 964)

## **5. Issue: The Forest Service should not reconsider the rule at this time.**

### **BECAUSE PUBLIC INVOLVEMENT AND AGENCY DELIBERATION DURING CREATION OF THE 2001 ROADLESS RULE WAS APPROPRIATE AND SUFFICIENT.**

The original Roadless Area Conservation Rule is a balanced policy. It took over three years to develop, with 600 public hearings and a record 1.6 million comments from the American people, with 95% in favor of the protection provided by the rule. Isn't it time we managed our forests as the citizens who own them wish? (Individual, Umpqua, OR – 1196)

It is further noteworthy that the roadless rule that was eventually adopted by President Clinton, your predecessor, and was done so after more than 1.5 million messages of support were directed to your agency, and countless studies were conducted to confirm the obvious. Public lands are being wasted for private benefit and the erosion and destruction precipitated by the reckless clear cutting practices has afflicted these beautiful rivers, not to mention destroying the land. The plan to reopen these wilderness areas to roads and logging and further logging is not only disastrous but a direct breach of your trust to the public. (Business, Covington, LA – 1371)

The Administration claims that the reason they are making changes to the Roadless Rule is that the process used to establish the Rule under the Clinton Administration was unfair to States and local governments, the comment period was not sufficient, and that it was a last minute process. However, the Clinton Administration spent three years on public dialogue and multiple public comment processes, which included an incredibly thorough assessment of roadless areas, extensive scientific analysis, over 600 public hearings nationwide, and comment periods in excess of those required. A record number of Americans wrote to the federal government—over 1.5 million—and over 95% supported the Roadless Rule (to date, 2.5 million comments have been submitted in three different comment periods). Not by any stretch of the imagination can it accurately be characterized as a last-minute process, such as this one. (Organization, Missoula, MT – 2153)

The American public was loud and clear when the Roadless Area Conservation Rule was undergoing its extensive analysis and public comment period. The existing Roadless Area Conservation Rule represents a balanced approach to forest conservation, protecting important roadless areas from damage caused by activities already allowed on most national forest lands. As written, it also adequately address issues of fire management, forest health, access, and local input. The lengthy and inclusive public process, which resulted in the rule, should reassure decision-makers of the public support for the Roadless Area Conservation Rule. (Elected Official, Spokane, WA – 2212)

There is overwhelming support for protection of wild roadless areas for the retention of the 2001 Roadless Area Conservation Rule. This is evidenced by submitted public comments, letters in support of wild forest roadless protection from economists, scientists and governors, and dozens of public rallies and gatherings throughout the country. Also, dozens of newspapers have editorialized in favor of retaining the 2001 Roadless Area Conservation Rule. (Organization, Washington, DC – 2226)

Although the notice of proposed rulemaking lists several minor problems with the current Roadless Rule, all of these were raised in the public comment period for the existing Rule, were addressed in that Rule, and could be further addressed through minor amendments to the Rule. (Organization, Eugene, OR – 2229)

It abrogates the democratic process and public participation involved in developing the original rule issued in 2001. That rule was the product of a seven-year period of extensive consultation with the full range of stakeholders and more public input and comment than any other regulation proposed by the federal government. During that seven-year period, there was careful attention to concerns of all involved and much give and take before the final rule was promulgated. (Organization, Royal Oak, MI – 2480)

The rulemaking process undertaken for the 2001 rule was sufficient and necessary to understand the public's needs and desires. Likewise, the states had adequate opportunity to voice their concerns at that time, and the Forest Service respectfully considered their concerns before making a final decision. (Organization, Eugene, OR – 3201)

It seems redundant to create a process that demands further rulemaking proceedings when adequate proceedings were previously undertaken, and a logical, balanced decision was made. (Organization, Eugene, OR – 3201)

We are especially troubled by this administration's track record of ignoring the best available science in policy decisions affecting public lands and its deference to the states on forest management decisions of national importance. There is growing consensus among the scientific community that a strong roadless conservation rule is one of the cornerstones to sustainable public lands management, biodiversity conservation, and ecosystem health of the national forests. Therefore, we request that you reinstate the 2001 Roadless Conservation Rule that received very thoughtful input by scientists and the public. (Organization, Charlottesville, VA – 43130)

A rule that took man years to put together and it has been in effect for less than four years. The citizens of this country, and the Forest Service, should not be reworking a project of this scope more than once every ten years. Anything more frequent than this is extremely wasteful. (Individual, Indianapolis, IN – 77031)

## **6. Issue: The decision to adopt the 2001 roadless rule was biased.**

On July 16, 2004, the Forest Service proposed a new roadless area regulation that is intended to replace the 2001 rule. We support the Forest Service's efforts to fix the fatal flaws in the 2001 Roadless Area Conservation Rule. This rule is the product of a deeply flawed NEPA process, which was conducted without adequate or accurate information about the affected areas, and was contrary to the agency's legal authority. The process that created the 2001 Roadless Area Conservation Rule ignored substantive concerns raised by the public and by local, State, and Federal elected officials. We support the revised regulation that provides for responsible active management of the national forest system. (Organization, Lakeside, CA – 1440)

As most veteran employees of the Forest Service know, (I'm a 30 year retiree) the original rule was vigorously opposed by most of the rank and file of the Service and that F.S. "leadership," acquiescing to political pressure, created a flawed document which now requires correction. (Individual, No Address – 72735)

During the development of the Clinton Roadless Rule in 1999 and 2000, the Governors of several western states requested input into the development policy through cooperating agency status,

including the Environmental Impact Statement and the Roadless Rule itself. These requests were all denied. (Elected Officials, Duchesne, UT – 1472)

At the very least, each individual National Forest should be responsible for deciding how to best manage their inventoried roadless areas. This would allow for periodic review of and changes to management direction under each Forest Plan. The concept of a “Nationally” applied prohibition on most management activities within the inventoried roadless areas, as proposed in the Federal Register on January 12, 2001, is not acceptable. This was a poorly conceived, last-minute act of “non-management” by the Clinton administration. (Business, Columbia Falls, MT – 87604)

## **7. Issue: The 2001 roadless rule was not flexible enough to accommodate local needs or issues sufficiently.**

My family strongly supports this administration’s attempt to “right the wrong” that was forced on the public by the last administration and look forward for our opportunity to be involved in this new process. Local user input – this is the proper way to manage public lands.

The Plumas County Board of Supervisors expressed opposition to the rule that was adopted by the Clinton Administration, for several reasons, but primarily because it did not provide adequate participation by local residents and local government. (Elected Officials, Quincy, CA – 1418)

Duchesne County is in general support of Forest Service efforts to replace the 2001 Roadless Area Conservation Rule, which was hastily adopted in the final days of the Clinton administration. The 2001 rule was adopted without adequate or accurate information about the affected areas, ignored concerns expressed by local, state and federal elected officials and has since been enjoined by a federal judge. We do understand that proceeding with this rule would require a programmatic environmental impact statement. We suggest changes to the proposed rule in this letter in an effort to ensure that the rule is legally sufficient and capable of being implemented. (Elected Officials, Duchesne, UT – 1472)

[T]his proposed rule will allow local review of the impact of the national roadless rule – a missing feature of the 2001 rule. The proposed rule acknowledges the importance of local and state-level participation in the decisions on roadless areas. It essentially repudiates the one-size-fits-all notion so prevalent among federal land management agencies who direct local land managers from Washington, DC and who do not fully understand or appreciate the diversity of each individual forest, local experience of land managers, and local needs. (Elected Officials, Duchesne, UT – 1472)

I support the efforts of the U.S. Forest Service to amend the Roadless Rule, originally adopted in January of 2001. The current nationwide rule applies a “one size fits all” roadless area management scheme. This approach eliminated state and local input into roadless area management decisions, causing serious policy concerns, and creating a large number of lawsuits. It is definitely time for another approach. I congratulate President Bush and Secretary Veneman for supporting significant changes. (Elected Official, Little Rock, AR – 1476)

The new rules proposed by the Bush Administration would allow for state, county and local input on the Forest Service roadless areas. Citizens and states should have some input in their local Forest Service land, after all we live near these lands, recreate in these lands, and last but not least, make a hard earned living off these lands to produce products for this country. This is empowering the people who have more than just an emotional attachment to large roadless areas. This allows for better and proper management, and access to renewable forest resources. (Individual, Barkriver, MI – 37835)

## **8. Issue: The 2001 roadless rule did not consider differences among areas.**

One-size-fits-all fiats from Washington D.C. have never been, and will never be, scientifically accurate, socially acceptable, legally defensible, or politically responsible. (County Agency, Price, UT – 2551)

The current Roadless Rule does not consider the complexities of various ecosystems, some of which perhaps do not require ongoing maintenance such as coastal forests but others including our Colville National Forest are strongly influenced by various disturbance regimens. Top down rule making, such as the current roadless rule does not allow for an adaptive management process to address new science or emerging issues with regard to forest health and fire protection. (Individual, Colville, WA – 10840)

## Evaluation of Proposed Rule, by Section

To the extent the 2004 Effort is postured under the 2000 Planning Rule, and assuming for sake of argument that sections 219.9(b)(8) and 219.27(c) of the 2000 Planning Rule were consistent with statutory authority (which it is not – see above), the 2004 Effort would still be invalid for failure to comply with the other procedural requirements found in sections 219.a through 219.13 of the 1982 Planning Rule. (Elected Official, Salt Lake City, UT – 36366)

### 9. Issue: The Forest Service should change some provisions of the proposed rule

#### THE DEFINITION OF “INVENTORIED ROADLESS AREAS” IN THE PROPOSED RULE IS NOT APPROPRIATE (294.11 DEFINITION)

We also urge the Forest Service to re-instate the Tongass National Forest as an areas protected under the original Clinton-era Roadless Area Conservation Rule. The Tongass hold some of the most pristine animal habitat, scenery, and recreation opportunities in our entire country. The exemption of the Tongass from federal roadless area protection was a grave mistake and one that should be reversed before the area is permanently ruined. (Organization, Boulder, CA – 3213)

The Tongass Rainforest should not be excluded from the rule. (Individual, Miami Beach, FL – 16380)

To improve this Rule, I think you should do the following:...

- Delineate exactly what types of areas are appropriate for “Roadless” designation. (Individual, Sacramento, CA – 969)

We recommend that the Forest Service, working in collaboration with the States, review the boundaries and areas designated in the 1970s of the then inventoried wilderness areas to determine if they truly meet the criteria and definition of “Roadless” or “wilderness” areas. This review should be conducted either as a part of the process to address a Governor’s petition or as a separate action if no petition is filed. (Organization, Cleveland, TX – 1437)

This Section [Section 294.11] should also reflect the fact that state wilderness acts, like the Utah Wilderness Act, made it clear that the RARE II inventory would be the final roadless inventory conducted unless otherwise authorized by an act of Congress. (Elected Officials, Duchesne, UT – 1472)

Conditions on NFS lands have changed in the past two decades, and as a result not all inventoried roadless areas have the same importance or natural resource value. Some roadless areas have become significantly smaller in size; other areas may have become heavily roaded, or have had nearby developments encroach and diminish its overall natural resource value. For example, roadless parcels immediately adjacent to ski areas may be roadless, but may not have the range of characteristics that would commonly be associated with a roadless designation. (Organization, Hood River, OR – 2188)

Most of the areas have numerous roads. Many of these roads are under the jurisdiction of state and local governments. If the agency restricts or closes even one RS 2477 it will constitute a “taking”. Any and all management under the Roadless Rule and/or Policy must be coordinated with county commissioners/local government. The Forest Service should inventory all private interests in property and take no action on any road until jurisdiction is determined. (County Agency, Cascade, ID – 2230)

Inventories taken by land managers or private contractors should be verified and approved by local user groups before being documented. (Individual, Santa Barbara, CA – 19894)

The now defunct nationwide Forest Service roadless inventory and resulting maps designating so-called Inventoried Roadless Areas (“IRA’S”), which inventory, maps and designated IRA’s are integral parts of the now defunct November 2000 Roadless Area Conservation Final Environmental Impact Statement which was enjoined and set aside in *State of Wyoming v. U.S. Department of Agriculture*. (Elected Official, Salt Lake City, UT – 36366)

The definition of “roadless areas” should be reviewed and revised as appropriate to assure that areas identified are consistent. Specifically, we recommend clarification on the following:

- i. Define road density by dividing total acreage by mileage of improved road.
- ii. Definition of “Solitude” should not require cores of ROS categories of Semi-primitive Non Motorized or Semi-primitive Motorized lands as was done in the SAA roadless inventory.
- iii. Definition of “Solitude” should not require absence of “sights and sounds” from surrounding areas throughout the roadless area, especially not east of the 100<sup>th</sup> meridian.
- iv. The methodology for defining areas eligible for the roadless inventory should yield consistent results whether done by GIS means or manual means. Direction for GIS delineation of roadless areas should be added to the FS Handbook.
- v. The Handbook should clarify what constitutes an unimproved road as well as what constitutes improved roads that count toward the ½ mile of (improved) roads per 1000 acres. Improved roads should be defined to exclude old railroad or road grades that have been abandoned and are no longer in use.
- vi. There should be clarification about what existing mileage of unimproved roads can be allowed within a roadless area. We suggest that there be no limitation on the existence of “unimproved” roads in defining allowable road mileage with a roadless area.
- vii. We believe there should be greater emphasis on creating quantifiable evaluation criteria for roadless areas for consideration as Wilderness recommendations.
- viii. The [Forest Service] Handbook should clarify that the existence of privately held mineral rights or outstanding leases for areas should not be a factor in determining eligibility for the roadless inventory. These may be relevant factors in the evaluation regarding Wilderness recommendations. (Organization, Roanoke, VA – 57793)

No Authority for Additional Inventory Under Section 219.9(b)(8) of the 2000 Planning Rule, Forest Service’s only option and authority is to “identify and evaluate inventoried roadless areas and unroaded areas.” (Emphasis added.) This section does not purport to authorize Forest Service to conduct, extend, or inventory additional areas; rather, it authorizes Forest Service only to “identify” those already “inventoried” roadless and unroaded lands and “evaluate” those areas. The authority to “identify and evaluate [already] inventoried roadless areas,” should not be confused with the imagined authority to evaluate more roadless and unroaded areas. There is no such authority in Section 219.9(b) of the 2000 planning rule. 1982 Planning Rule – Failure to Comply With Its Many Procedural Requirements To the extent the 2004 Effort is postured under the 1982 Planning Rule, and even assuming for sake of argument that section 219.17 of the 1982 Planning Rule were consistent with statutory authority (which it is not - see above), the 2004 Effort would still be invalid for failure to comply with the other procedural requirements found in sections 219.1 through 219.13 of the 1982 Planning Rule. (Elected Official, Salt Lake City, UT, 36366)

**THE 18-MONTH TIMEFRAME, SUBSEQUENT TO PASSING OF THE FINAL ROADLESS RULE, IS NOT SUFFICIENT FOR STATES TO SUBMIT PETITIONS (294.12 STATE PETITIONS)**

We caution that this timeframe should be flexible, especially if a state is seeking local input or advice on management of roadless areas...We suggest the status of state efforts be evaluated at the end of the 18-month period. States that are well under way in formulating management options ought to be given the opportunity to complete their work. (Organization, Thermopolis WY –1144)

Why is there an 18 month time limit in section 294.12? Can't anyone petition the secretary for rules at any time for any reason under the APA? (5 USC §533(e) ("Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule") (Organization, Eugene, OR – 1512)

AMA believes that 18 months is an overly generous timeframe. The timeframe should be modified to require that state petitions and plans be submitted within 12 months of the effective date of the final rule. (Organization, Phoenix, AZ – 1913)

The time frame for both petition preparation and response seems too short. An estimate that 1000 hours will be needed for preparation seems quite low. Each state is charged to develop location-specific plans that include input from experts, stakeholders and the general public. The scope of issues these documents will address is vast ranging from economic impacts, conservation concerns, to public safety. Moreover, this is to happen during a period of exceptional financial resource retrenchment in both State and Federal programs with personnel already-slashed to bare bones levels. When you factor in the possibility that many plans will be controversial, and therefore, demand even more work, the time allotted looks unworkable. While contractors could be hired to fill personnel gaps, it may be a challenge to find funds to allow for such help. (Individual, Glendale, AZ – 3431)

[T]he proposed rule places a time constraint of 18 months for states to submit petitions to the USDA. Considering that the USDA and Forest Service maintain the expertise for managing roadless areas, this time limit, which appears to be arbitrary, is misguided. (State Agency, Santa Fe, New Mexico – 3481)

The timeline within which state and tribal petitions must be filed should be extended beyond eighteen (18) months in order to provide sufficient time for the states and tribes to consult with local communities where management impacts are most felt. (Tribal Government, Bonners Ferry, ID – 58206)

It is my belief that the timeline for petition of eighteen months is impractical and unrealistic. This timeline will not give the many stakeholders, state agencies or sportsmen time enough to inventory the existing roads and trails. (Individual, Miami, FL – 80186)

**180 DAYS FROM RECEIPT OF COMPLETED PETITION IS NOT AN ADEQUATE RESPONSE TIME FOR ISSUING AN ACCEPTANCE OR REJECTION OF A PETITION (294.13 PETITION PROCESS)**

USDA will analyze a maximum of 39 petitions and respond definitively within 6 months. Consider that these must include detailed local situation descriptions and that it is probable that many, perhaps all, petitions will include several separate subsections of varying complexity and the evaluation time also looks inadequate. Failure to ensure a fair, full and complete evaluation will open USDA to harsh criticism no matter what the final agency decision entails. (Individual, Glendale, AZ– 3431)

**THE SECRETARY OF AGRICULTURE SHOULD ESTABLISH A COMMITTEE OF EXPERTS TO PROVIDE INPUT ON REVIEW OF STATE PETITIONS (294.13 PETITION PROCESS)**

Given that this proposed rule change may be viewed as overturning 130 years of federal national forest lands stewardship, it seems vital to establish an oversight committee to assist in petition evaluation. While ensuring diversity, the committee must have sufficient aggregate expertise to

evaluate all aspects of petitions, including economic effects. Because there could be up to 39 petitions of varying degrees of complexity, it may be necessary to consider allowing the national committee to develop subcommittees to help in the analytic process...Along with the standard environmental impacts evaluation role...this group could perform a valuable, unbiased assessment of the costs and benefits to the public for each petition. (Individual, Glendale, AZ – 3431)

[W]e agree that establishment of such an advisory committee would be beneficial. (Federal Agency, Washington, DC – 39985)

[I]n the event this rule is adopted we concur that a national advisory committee would be needed to assist the Secretary in carrying out the State petitioning process. There should be only one committee, national in scope, and constituted under the Federal Advisory Committee Act. The membership of this committee should include members with expertise in fish and wildlife biology, fish and wildlife management, forest management, outdoor recreation and other important disciplines associated with roadless values. We do not agree with the proposal to include representatives of State and local governments, since we believe the function of the advisory committee is to assist the Secretary from a national perspective. We agree that the duties should include reviewing the adequacy of the information provided in any State petition; assisting the Secretary in responding to a petition; advising the Secretary on the NEPA documentation associated with development of a State-specific rule; and advising the Secretary on promulgating such a rule. In addition to these duties, such advisory committee should be charged with advising the Secretary on preparing guidelines for governors on the scope and depth of information needed to prepare a petition. (Organization, Roanoke, VA – 57793)

We would sincerely hope that due to the importance of the coal industry on Forest Service lands in the west, the coal industry would be specifically included on this advisory committee should it be formed. (Business, Wright, WY – 37373)

**OTHER ELEMENTS OF THE PETITION PROCESS ARE NEEDED (E.G., USFS REEVALUATION OF BOUNDARY CHANGES) (294.13 PETITION PROCESS)**

Roadless area designations should be limited to those areas identified through completed road analyses that have complied with the NEPA process, including State and local involvement. (Elected Officials, Vernal, UT – 2019)

Our issues include the following:

- Ensure the sufficiency and accuracy of the Forest Service information made available to the states and public during the new petitioning process. Additionally, ensure information (specifically any current and/or updated inventory maps) is provided in a timely manner...
- Ensure an adequate range of alternatives for consideration in the rule making process. (Elected Official, Carson City, NV – 2024)

The proposed state-petition process creates an 18-month period of limbo for current roadless areas, both individually and collectively. If the Forest Service persists with this plan, I would urge that it impose an 18-month “standstill” provision, which would maintain the roadless protections of the 2001 rule until the petition process is resolved. (Individual, Clayton, GA – 2114)

Some states may be unwilling to participate in this process for a variety of reasons, including financial and manpower commitments that may be necessary to produce such a petition. If a state chooses not to participate, the proposed rule is silent on how roadless decisions would be made within that particular state. In this case, we believe the management requirements for National Forest System inventoried roadless areas should be addressed through the individual forest planning process. (Organization, Edgefield, SC – 3202)

I request that any modifications to the roadless rule include the following:...

- Assurance that a written report of the advisory committee decision will be appended to the final petition disposition of the Secretary and available for public inspection.
- A means for petitioners to modify proposals in response to evaluator input...



Should a State opt not to petition, or not to seek rules change for the entirety of their inventoried roadless lands, what is the management status of those uncontested tracts? Given that the time frame for action is short and the resources of most States limited, a real possibility exists that not all eligible parties will respond, or if they do petition, States may feel able to focus on only a portion of the roadless lands. It would be a travesty to discover that attempts to focus limited States resources judiciously only provide an unintended route around conservation measures by opening up once protected tracts to new management regimes. (Individual, Glendale, AZ – 3431)

The Rule needs to make clear that the state-petition process is the method for designation of USFS roadless areas. To that end, the Rule should require that all ongoing Forest Plan revisions be put on hold until States step forward with their management requirements. (Individual, Agoura, CA – 4011)

I believe that action on WSA's should be mandated within a certain time period, say 2-5 years, to speed up the decision process, as these affect the disposition of roadless areas. Any speed up of the process will benefit multiple use(rs). (Individual, Spring Creek, NV – 36242)

[W]e would...like to suggest that the final rule include specific provisions for consulting with Native American tribes who may be affected by a state petition. (Federal Agency, Washington, DC – 39985)

The Proposed Rule should create a process that allows local communities input on petitions once filed. (Tribal Government, Bonners Ferry, ID – 58206)

#### **THE EIGHT COMPONENTS OF A STATE PETITION AS OUTLINED IN THE FEDERAL REGISTER ARE SUFFICIENT (294.14 PETITION CONTENTS)**

The information requirements for each State petition appear to be in line with the stated purposes of the proposed rule, and the estimated burden for information collection (an annual average of 1000 hours per respondent) is probably as close of an estimate as can be made, considering that some States will spend more time and some, considerably less. The 18-month petitioning period seems adequate, although, States' input on the sufficiency of this timeframe, as well as the accuracy of the estimated hourly burden, should be carefully considered. (Elected Officials, Sundance, Wyoming – 1412)

#### **THE EIGHT COMPONENTS OF A STATE PETITION AS OUTLINED IN THE FEDERAL REGISTER ARE *NOT* SUFFICIENT (294.14 PETITION CONTENTS)**

Requirements for petition seem overly burdensome...There must be sufficient information provided to allow the Forest Service a reasonable opportunity to assess the management suggestions provided by a state...[and] to allow the agency an opportunity to comply with NEPA. We do not, however, see how "a description of how the recommended management requirements...differs from existing applicable land management plans or policies" (294.14(4)) or "a description of how the recommended management requirements...compares to existing state land conservation policies and direction" (294.14(5)) contributes to the information needed by the Forest Service to make an informed decision on the state petition. We recommend eliminating those requirements. (Organization, Thermopolis WY – 1144)

We do suggest that the following guidance be given to governors in the rule. Governors should:...

- Document the gain or loss in access to national forests by their petitions.
- Ensure that roadless areas are not managed in ways that resemble wilderness.
- Ensure compliance with the Utah State Wilderness Act (Elected Officials, Duchesne, UT – 1472)

[W]e suggest...that the final rule provide guidance to governors as follows:

- seek professional assistance from the State Forester and Forest Supervisor,
- consider current and future wildlife risk conditions,
- review the management decisions for roadless areas set out in the applicable forest plans,
- consider needs for access to state and private lands,
- carefully look at each roadless area and consider if the area is actually needed,
- adjust boundaries to exclude areas already roaded,

- consult with local elected officials,
- consider social and economic impacts of their proposals. (County Agency, New Augusta, MS – 1474)

Although the proposed petition process directs a petitioning State to include public involvement, there is no specific mention of Tribal Government(s). As Roadless Area initiatives affect National Forest lands associated with federally recognized Tribes, States should be required to consult with Tribal Governments to adequately address tribal concerns in the petition process. The Passamaquoddy Tribe requests that the USDA Forest Service develop a process which explicitly outlines the method of consultation with Tribal Governments. This outline should then be included as a directive to petitioning States in the petition contents of the proposed rule. (Tribal Government, Perry, ME – 1680)

We also believe a petition to alter and make certain the management of roadless areas should include an evaluation of the following five criteria.

1. The degree of support for the petition by local government;
2. The current fire susceptibility and expected change in susceptibility under the petitioned management;
3. Whether the petitioned management is consistent with the historical and present use of the roadless area;
4. How the petitioned management contributes to the future anticipated demand for national forest uses; and
5. How the petitioned management contributes to a balanced diversity of multiple uses within a reasonable geographic vicinity. (County Government Association, Sacramento, CA – 2020)

When crafting a roadless rule for national forest, the guiding principles should include...the maximum amount of public participation in the designation process- similar to that afforded in the forest plan revisions and other major forest management decisions (Elected Official, Washington, DC – 2213)

Why would the state need to submit information such as maps and land descriptions to the Forest Service, unless it were proposing to change the boundaries of a given roadless area? As this is federal land, and a federal land designation, it is not, and should not be, the state's role to designate these boundaries. (Organization, Eugene, OR – 3201)

[W]e strongly recommend that the final rule provide more detailed information about the role of water quality issues in the proposed petition process. For example, we suggest that the final rule specifically address the extent to which a state petition should include information on its proposed measures to protect water quality in an IRA. (Federal Agency, Washington, DC – 39985)

The proposed rule is deficient in outlining the role of the public in the State petitioning process. Under the proposal, a governor could prepare a petition that was devoid of public participation. We urge that any final rule state clearly that public participation should be as extensive as that typically occurring in Forest planning, even though we recognize that requiring this of governors is likely to present additional difficulties. (Organization, Roanoke, VA – 57793)

The requirements of petition contents should recognize the confidentiality of cultural resource information. (Tribal Government, Bonners Ferry, ID – 58206)

[E]very proposed commercial activity in a roadless area should be accompanied by a water productivity impact analysis. The Forest Service should look long and hard before permitting activities that degrade roadless areas' water productivity. (Organization, Kent, WA – 88259)

**THE PROTOCOL FOR STATE-SPECIFIC RULE MAKING BY THE SECRETARY OF AGRICULTURE IS NOT SUFFICIENT (294.15 STATE-SPECIFIC RULEMAKING)**

The Rule needs to make clear that the state-petition process is the method for designation of USFS roadless areas. To that end, the Rule should require that all ongoing Forest Plan revisions be put on hold until States step forward with their management requirements. (Individual, Whitewater, CO – 1436)

With many local governments depending on PILT funds derived from Forest Service projects within their states, a revision of the determination of sufficient funding for schools and counties should be considered when reviewing the Governor's petitions for roadless areas within their respective states. States laws, such as enabling acts (NFs in Texas or NFs in South Carolina as examples), should also be addressed to determine if the Forest Service should continue to encourage the creation of additional "wilderness" or "roadless" areas in each state. (Organization, Cleveland, TX – 1437)

Section 294.15 of the proposed rule does not explain how the rulemaking would be coordinated with the applicable forest management plan. The proposed rule should be amended to ensure that there is consideration of local issues and consistency with national forest management laws during the process. We urge the Forest Service to incorporate into the final regulations a requirement that if a governor's petition would change the management of any roadless area from that set forth in the applicable forest plan, that the forest plan must be amended or revised before the rulemaking comes into effect. (Elected Officials, Duchesne, UT – 1472)

[T]he proposed regulation should retain the definition of "inventoried roadless areas" areas contained in the January 2001 rule...[T]he final rule must ensure that roadless areas are managed through land management plans as required by law. The agency has no legal means of managing lands other than under the requirements of the 1976 National Forest Management Act and other applicable laws (County Agency, New Augusta, MS – 1474)

While proposed section 294.13 discusses the timeframe by which the Secretary must respond to a state's petition, the proposal contains no specific criteria for acceptance or rejection of a petition. (Organization, Phoenix, AZ – 1913)

[W]e oppose your proposal to replace the rule with a process that requires governors to petition for protections for roadless areas in their states with no guarantee that the protection will be accepted or enforced by the Forest Service. (Elected Officials (Members of Congress), Washington, DC – 2023)

When crafting a roadless rule for national forest, the guiding principles should include... the maximum appropriate protection of the resource for the enjoyment of current and future generations and...a proper balancing of the many potential uses of national forest, as set forth by Congress. (Elected Official, Washington, DC – 2213)

Our agency strongly believes that utilizing the forest planning process will give the states and specifically state wildlife agencies a more productive pathway toward cooperatively developing realistic guidelines for managing inventoried roadless areas. (State Agency, Charleston, WV – 2231)

[T]he Proposed Rule does not obligate the Secretary to adopt the Governor's vision for managing the lands in question. Rather the Rule obligates the Secretary only to "coordinate development of the rule / with the State." The point here is the Proposed Rule ...may or may not yield anything resembling what a State Governor wants. The Proposed Rule needs serious substantive reconstruction to provide something other than an illusory opportunities for State-generated rulemaking. (Elected Official, Salt Lake City, UT – 36366)

[W]e suggest that the final rule provide specific criteria for approving state petitions, and that water quality protection be included as a priority criterion used in the evaluation process. (Federal Agency, Washington, DC – 39985)

The proposal indicates that state-specific rules will be coordinated with the individual states but provides no details on the scope of this coordination and no information on how quickly the rulemaking process will be completed. The rule also fails to specify how the USDA would address the management of a roadless area that lies in more than one state. (Organization, Charlottesville, VA – 43130)

[The rule] should make clear that review of the petition should be based in large part on evaluation of the quality of the information supplied by the governors for improving on the delineation and management direction contained in the current Forest Plans...In the event a State-petitioning rule is adopted, it should state that the cost of conducting any environmental analysis should be borne by the State requesting a change in direction for roadless areas already outlined in a Forest Land and Resource Management Plan. (Organization, Roanoke, VA – 57793)

Development of state-specific rulemaking should involve tribes and local communities in addition to the state. (Tribal Government, Bonners Ferry, ID – 58206)

You have given Governors the choice of whether to protect any roadless areas in their state, abdicating your federal responsibility...This rule amounts to permission for pro-development Western governors to leave unprotected all the roadless areas in their state...Instead, there should be a presumption for preservation as there was under President Clinton's Roadless Rule. Governors would then petition not to include, but to exclude roadless lands from protection when certain enumerated criteria are met...This will address the majority of concerns expressed following the passage of the roadless rule which did not question the goal of preserving the last remaining unroaded areas in our National Forests, but questioned doing so in such an inflexible manner. (Individual, Gilbert, AZ – 964)

## 10. Issue: The Forest Service should *not* change the language of the proposed rule.

### **THE 18-MONTH TIMEFRAME, SUBSEQUENT TO PASSING OF THE FINAL ROADLESS RULE, IS SUFFICIENT FOR STATES TO SUBMIT PETITIONS (294.12 STATE PETITIONS)**

Eighteen months from the effective date of the rule is a reasonable time to allow states to submit petitions. Since the rule will likely not become final until at least six months after proposal, that gives states two years or more to prepare petitions. (Organization, Thermopolis WY – 1144)

### **THE SECRETARY OF AGRICULTURE SHOULD *NOT* ESTABLISH A COMMITTEE OF EXPERTS TO PROVIDE INPUT ON REVIEW OF STATE PETITIONS (294.13 PETITION PROCESS)**

An advisory committee of outside scientific experts appears to defeat the purpose of allowing states a significant role in determining management of roadless areas within the state. Non-resident experts' advisory recommendations negate local input. A disproportionate emphasis on science defeats the policy reasons that a state may choose to see roadless areas managed. We do not think an advisory committee is necessary. (Organization, Thermopolis WY – 1144)

I do not believe that this committee is essential to the proposed process and could become a barrier to resolving not just the disposition of the inventoried roadless areas. No advisory committee should be established in the final rule because it is likely to be politically influenced and scientifically compromised. (Individual, Eagle River, AK – 1337)

Any resulting Advisory Committee under the 2004 Roadless Rule should not be employed as an obstacle to good forest management in Inventoried Roadless Areas. Please include local citizens in the committee and do not pack it with academic types. (Organization, Moscow, ID – 1432)

[We] do not support the establishment of a national advisory committee to provide consultation on the implementation of the rule. If, however, a committee is established, we recommend that the rule specifies the makeup of the committee. We strongly suggest representation from all parts of the county. Also, we suggest a locally diverse group including county supervisors, school

officials, forest products company representatives, user groups, etc. (County Agency, New Augusta, MS – 1474)

The proposed State Petition rule creates an advisory committee for petitions that is not needed and creates another obstacle for RA protection since 2 million of the public have already spoken in favor of RA protection. (Organization, Houston TX – 1495)

A national advisory committee is unnecessary. The Forest Service has the necessary expertise within the agency to oversee the petition process. (Organization, Phoenix, AZ – 1913)

We advise against this approach [National Advisory Council]. National, “one size fits all” standards emanate from National Advisory Councils. National Forest Planning at the state and local level in combination with public input during the petition process can incorporate successful management practices that fit local conditions, and should obviate the need for a national council. (State Agency, Salt Lake City, UT – 2288)

We do not believe that this committee is essential to the proposed process and could become a barrier to resolving not just the disposition of the inventoried roadless areas, but in regards to implementation of forest plans on individual forests in general...If such a committee is eventually established, we recommend that the final regulation specify the representation, jurisdiction, and procedures by which this committee would operate. It must be clear that this committee will only address the specific issues and tasks to which it is assigned. We also recommend that the final regulations provide that the committee include diverse representation of experts concerned and affected by roadless area decisions, including small businesses, local communities, forest products companies, and user groups; not just academic disciplines as noted in the preamble. (Organization, Duluth, MN – 9302)

We also note the Secretary is considering a national advisory committee. This suggests a committee with some degree of formality and a long or permanent tenure. We offer that task force(s) or other short term and more focused advisory structure will be more workable and likely less contentious. We do not prefer permanent advisory committees for complex subjects like this. (Organization, Sacramento, CA – 58172)

**THE EIGHT COMPONENTS OF A STATE PETITION AS OUTLINED IN THE FEDERAL REGISTER ARE SUFFICIENT (294.14 PETITION CONTENTS)**

The proposed State Petitions for Inventoried Roadless Area Management will provide the Department of Agriculture the opportunity to evaluate roadless areas as originally envisioned in the 1974 legislation: “a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation’s public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities”...Thus, the proposed rule provides state government with the opportunity to look at what are the needs associated with these lands (multiple-use), gather relevant information (analysis portion) and provide recommendations (management plan). These steps are very consistent with the 1960 and 1974 legislation and will provide the Forest Service with additional information for them to consider in the management of inventoried roadless areas. (Organization, Boise, ID – 3206)

With respect to the type of information to be submitted by a state with regard to the petition process, Simplot believes the information outlined in the petition process appears reasonable in scope. Again, the responses of the several states with significant affected acreage may be more instructive, as the states bear the burden of submission. (Business, Boise, ID – 9711)

**11. Issue: Additional Suggestions Regarding the Proposed Rule**

Pyramid believes that all decisions on roadless areas should be made through the forest planning process, at the individual national forest level. This rulemaking process, although a considerable improvement over the 2001 Roadless Area Conservation Rule still is unnecessary. The NFMA land management planning process provides for the analysis, designation, and public involvement to address the long-term management objectives on inventoried roadless lands—including

recommendations for inclusion under the Wilderness Act of 1964. (Business, Seeley Lake, MT – 1481)

[W]e support revisions to the roadless rule that would:

- Return roadless decisions to the local (forest plan) level.
- Ensure roadless decisions incorporate and fully consider the goals of the healthy forest initiative adopted by this administration and passed by Congress.
- Make sure that no roadless areas are designated that will adversely impact grazing permit holders.
- Ensure that roadless decisions are handled in a manner consistent with the August 26, 2004 Executive Order for the Facilitation of Cooperative Conservation. (Organization, Mariposa, CA – 1972)

Under the proposed rule, there is no opportunity for states to re-petition the Secretary to change the designation, in essence establishing a permanent designation. Congress has never delegated the powers for permanent land use designations to the Forest Service. Therefore, we would recommend inclusion of a periodic review, perhaps at 10-15 year intervals coinciding with forest plan revisions, during which states could petition for a change in the management allocation. (County Government Association, Sacramento, CA – 2020)

[E]xempt the forests covered by the NWFP [Northwest Forest Plan] from any additional protections associated with any state's future, petitioning processes. For Northwest ski areas not under the jurisdiction of the NWFP, exceptions should be allowed when the risks of fire or disease are present and management activities are desirable. Exceptions also should be made for existing, reserved, or outstanding rights so that roadless conservation efforts do not impact land within existing special use permit (SUP) or master development plan (MDP) boundaries. Consistent with the original January 12, 2001 rule, management of roadless areas should "not suspend or modify any existing permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System lands." Finally, any timber cuts incidental to management activities other than road building, such as trail construction or maintenance, should be permitted. (Organization, Hood River, OR – 2188)

The best judge of what is or is not desirable is the affected individuals and local government. The Board of County Commissioners should be an equal partner in all decision and rule making with all federal agencies. (County Agency, Cascade, ID – 2230)

Furthermore, the rule says that the choice made by the current governor will last forever and cannot be changed by future governors. There can be no basis in reason or logic for such an absurdity. (Individual, Oberlin, OH – 3592)

It may be wise to consider whether the Governor is always the appropriate elected official to enter into these discussions given the Washington State situation. Perhaps a more appropriate term would be "responsible elected official." (Individual, Colville, WA – 10840)

Amend The Rule To Purge and Cleanse it of All Special Roadless Management Notions...[T]he 2004 Proposed Roadless Rule continues to perpetrate the unfounded notion that Forest Service even has the authority to...depart from the NFMA multiple use mandate just because it calls an area "special"...Forest Service should purge all such notions from the 2004 Proposed Rule, and amend the rule to simply declare it wants to give each State Governor the chance to construct a state-specific multiple-use management regimen on certain forest lands identified as "roadless" in RARE 11... The best way for the Secretary to address this illusion of time problem is simply honor the Wyoming case decision in good faith [would be] by doing away with the 2004 Interim Directive and return the management of IRA's to its lawful place under in the multiple use Congressional management mandate. (Elected Official, Salt Lake City, UT – 36366)

In the Roadless Areas Conservation Rule developed at the end of the Clinton administration, there was an extended discussion about roadless areas values and the need for conserving those values. We urge that any revision of that rule include a similar or expanded discussion about roadless areas values and the need for preserving those values, protecting them from losses such as from air and noise pollution, and enhancing them...[I]n many places that do not meet the roadless criteria

and cannot be placed on the roadless inventory, “roadless values” are nevertheless highly valued...It would be helpful to include in any revised roadless rule an extended discussion of these values and how they relate to areas that are not inventoried as roadless, especially where it would be inappropriate to build additional roads, harvest timber, or lease for mineral development...We recommend that any revision of a roadless rule should make clear to the public, and the agency staff, that the primary function of a roadless inventory is still to make recommendations of areas worthy of Wilderness designation. (Organization, Roanoke, VA – 57793)

A [Forest] Plan is to be revised every 10-15 years because it is recognized that conditions in the forest change over time and the expectations about what forest should provide also change over time...While it is true that rules can be changed, there is no built-in provision for periodic review and revision as is mandated for Forest Plans. We recommend that if this proposal is adopted, it include a “sunset” provision that limits the duration of a rule to the same length as a Forest Plan—15 years. (Organization, Roanoke, VA – 57793)

The Proposed Rule should recognize the roles and responsibilities of tribes by allowing tribal governments to petition the Forest Service for protection of inventoried roadless areas in the same or similar manner as state governors. (Tribal Government, Bonners Ferry, ID – 58206)

An element of this plan should include an end to frivolous lawsuits from environmental groups. (Individual, No Address – 72735)

There has been an interest on the part of our members to pursue the possibility of the Governors Office setting up a Roadless Advisory Committee that could provide oversight for the petition process. (Organization, Helena, MT – 1480)

[I]f the Secretary of Agriculture establishes a national advisory committee..., [it] should include “professional” wildlife and fisheries biologist with expertise in the management of forestland as it relates to providing adequate habitat for sustaining viable populations of wildlife. (State Agency, Charleston, WV – 2231)

The advisory committee, if it is established, should include members of public interest groups and others with a demonstrated expertise and interest in wilderness protection. (Individual, Dallas, TX – 7910)

In our view, it is essential that developed recreation specifically be represented on the panel. (Organization, No Address – 57880)

Somewhere in the final draft of this regulation should be words requiring rapid rehabilitation of any damaged lands from major fire, either inside or outside the roadless area. (Individual, Port Angeles, WA – 33332)

I would ask that the list include the military installations within the state and their respective headquarters...I would ask that notices be sent to any military units that use national forest system lands for training activities. In addition, notices should be sent to all headquarter offices of the Military Services. Reasons: Various military units use national forest system lands authorized under a special use permit or memorandum of agreement. Ground and air maneuvers occur in roadless areas. Future training may be compromised if current roadless areas are designated as wilderness. Notifying the Military Services of a State’s petition would allow the Services to comment on the petition. (Individual, Edgewood, MD – 79713)

## Proposed Rule's Consistency with Other Laws, Regulations, And Policies

### 12. Issue: The Forest Service should ensure that the proposed rule is consistent with other laws, regulations, and policies.

#### **THE PROPOSED RULE *CONFLICTS WITH* THE ALASKAN NATIONAL INTEREST LANDS CONSERVATION ACT (ANILCA)**

Designation of additional roadless areas would violate the Alaska National Interest Land Conservation Act (ANILCA). ANILCA prohibits the Forest Service from: (1) Undertaking 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 to the United States Congress. 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. (Business, Juneau, Alaska – 1509)

#### **THE PROPOSED RULE *CONFLICTS WITH* THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

We strongly disagree with the Administration's arguments that it does not need to prepare an environmental impact statement on its proposal to replace the Roadless Rule with a state petition process. The Administration wrongly contends that the EIS prepared in 2000 by the Clinton Administration on the Roadless Rule can simply be applied to the Bush Administration's roadless proposal for purposes of complying with the National Environmental Policy Act (NEPA).

...[T]he Forest Service cannot simply rely on the 2000 EIS on the Roadless Rule to evaluate the environmental effects of the Bush Administration's proposal. First, the purpose and need of the two agency actions are fundamentally different...Since the purpose of the Administration's proposal is completely contrary to the Roadless Rule's purpose, the 2000 EIS cannot serve as the NEPA document for both. The Forest Service must prepare a new EIS that evaluates the Administration's proposal and a full range of alternatives in light of the purpose and need for the Administration's proposed action. ...Second, relying on the 2000 EIS ignores the fact that a great deal of new scientific information and analysis regarding roadless areas has been produced since 2000...Third, the Forest Service cannot evade the requirement to produce a new EIS by claiming that the proposed regulations qualify for "categorical exclusion" (CE) making them exempt from NEPA documentation. Inventoried roadless areas are specifically included on the Forest Service NEPA Handbook's list of resource conditions for which "extraordinary circumstances preclude the use of a CE. (FSH 1909.15, Section 30.3(2)(d)). By lifting the Roadless Rule's prohibitions on road building and logging, the Administration's proposal will have profound environmental impacts that must be evaluated in an EIS. (Organization, Washington, DC – 39996)

This whole process is skewed against the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act. (Organization, Carson City, NV – 2225)

The Forest Service must consider both the elevated taxpayer subsidies for road construction and maintenance if roadless areas lose their protected status as well as the environmental service values that would be lost when these areas are developed. Since the time of the Roadless Rule FEIS and ROD, methodologies and the knowledge required to evaluate the impacts have advanced significantly. If the agency does not account for these changes it will have Ignored its obligation under the NEPA and will be acting arbitrarily and capriciously. (Organization, Washington, DC – 2226)



Failure to Prepare an Environmental Impact Statement for the Proposed Rule Violates the National Environmental Policy Act. The National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 et seq., demands that federal agencies prepare an environmental impact statement for any “major Federal actions” that may “significantly affect [ ] the quality of the human environment.” (42 U.S.C. § 4332(C).) Major federal actions include issuance of any “new or revised agency rules,... policies, or procedures.” (Elected Official, Oakland, CA – 2152)

Prepare a new EIS. ...

1. The environmental effects are not likely to be the same as those already considered in the 2000 FEIS, because state petitions are not limited by the alternatives considered in the 2000 FEIS or the LRMPs.
2. The rule is not merely procedural, because the rule completely rescinds existing protection for inventoried roadless areas, so the rule does in fact have direct effects on the environment. At any time after this rule is approved, the Forest Service can begin to log and build road in inventoried roadless areas. Activities that would be prohibited but for this new roadless rule. It is far from merely procedural. Contrary to the assertion in the Fed Reg the proposed rule clearly does not fall into the NEPA exception at Section 31.1b of Forest Service Handbook 1909.15.
3. The Fed Reg cites a number of potential beneficial effects but fails to disclose the many significant negative effects that would be expected from rescinding the roadless rule and opening inventoried roadless areas to logging and road building. The Fed Reg is therefore highly misleading and should be renoticed for additional public comment after alerting the public to the likelihood of serious adverse environmental effects which may be even more severe than those highlighted in attached excerpts from the November 2000 FEIS. (Organization, Eugene, OR – 1512)

The Forest Service cannot rely on the 2000 FEIS because the cumulative impacts of the no action alternative 1 were not adequately disclosed. The FEIS and specialists reports carefully describes the cumulative effects of the action alternatives, but not the no action alternative. Alternative 1 of the 2000 FEIS would allow continued roadbuilding and logging in inventoried roadless areas and will cause significant cumulative loss of habitat for wildlife that depend upon roadless areas. Roadless areas in fact provide a significant and uniquely high quality of habitat for a wide range of species that suffer from habitat fragmentation and human disturbance. For instance, as described below under “new information,” rescinding protection for roadless areas will cause a cumulative loss of viability for wildlife associated with snag habitat. Renewed logging and road building will also cause cumulative impacts to other species with large home ranges, such as forest carnivores (lynx, wolf, grizzly, wolverine). The effects of these cumulative habitat losses (e.g., loss of viability, loss of metapopulations, shrinking ranges) were not disclosed in the November 2000 FEIS. (Organization, Eugene, OR – 1512)

The Bush proposal violates NEPA because the Forest Service failed to consider a reasonable range of alternatives. The Forest Service should have included the following options:

- an alternative that would retain the Roadless Rule but allow individual states to petition for changes to the Roadless Rule (an alternative the administration itself has suggested in earlier announcements)
- an alternative that would retain the Roadless Rule but allow individual states to opt-out and ask that particular areas be deleted from the Rule because of the existence of roads in portions of areas subject to the Rule (another alternative the administration previously has suggested);
- an alternative that would allow non-governmental organizations and ordinary citizens to petition for changes in roadless area management, either on a statewide, regional, or national basis;
- an alternative that would streamline rather than complicate the requirements of the petition process to make it more accessible to any party and require only that the petition identify clearly the roadless area, the recommended management scheme and the reason for the management scheme.(Organization, Lander, WY – 1914)

In addition, the promulgation of a substitute rule for roadless areas without any analysis of environmental impacts and project alternatives is unlawful under the National Environmental Policy Act. (Elected Official, Oakland, CA – 2152)

A comprehensive analysis of the cumulative impacts of these efforts to “streamline” land management and planning on the National Forests is required by NEPA before these regulations can be finalized as permanent. Failure to do a full EIS on the impacts of these regulations and the others will be a clear violation of NEPA, because the impacts of changing literally every regulation dealing with the National Forests and their management are clearly significant. It is important to note that these proposed regulations are closely tied to all of these other directives and proposals. The cumulative effect is to eliminate virtually any opportunity for the public to seek protection for public lands. As the court held in *Wyoming v. USDA*, 277 F. Supp. 2d 1197, 1229 (D. Wy. 2003): “[T]he Forest Service had a duty under NEPA to disclose this information to the public. NEPA regulations require a federal agency to conduct a cumulative impacts analysis of its proposed action in the EIS when that action is so interrelated with other actions that it would be irrational to complete one without the other. It was irrational for the Forest Service to develop a comprehensive strategy for implementing interrelated rules and policies, carry out that strategy, and never consider the cumulative effects of its actions or explain them to the public. On the administrative record before this Court, the cumulative impacts analysis was woefully inadequate because those impacts are potentially significant.” (Organization, Coarsegold, CA – 2224)

Further, by relegating the EA and EIS process to state by state rulemakings, as in this proposed rule, the Forest Service would be “segmenting” the NEPA. Such segmenting of NEPA is strictly prohibited by NEPA implementing regulations. Failure to generally conduct NEPA at this stage of planning will foreclose consideration of alternatives at an important threshold in planning. The Forest Service, by refusing to complete an EA or EIS with requisite alternatives for this particular rulemaking is deferring NEPA to a later time that will deny citizens the right to examine alternatives for nationwide management of roadless areas (Organization, Washington, DC – 2226)

By failing to conduct an environmental assessment or environmental impact statement on the rulemaking itself, the proposed rule violates the regulations of the Council on Environmental Quality (“CEQA”), and the National Environmental Policy Act (“NEPA”).~’ Because roadbuilding, logging, oil and gas development, etc. etc. in inventoried roadless areas of the national forest system are highly controversial and often result in significant environmental impacts as well as cumulative effects and because new information is available to the agency, an EA or EIS should have been prepared, as was prepared for the Roadless Rule that still stands in effect. By nothing an EA or EIS for this rulemaking the agency has specifically violated NEPA. (Organization, Washington, DC – 2226)

The Forest Service cannot rely on the 2000 FEIS because none of the fully developed alternatives that were considered in the November 2000 FEIS are similar to the current proposal. The proposed rule will give the governors the option to petition to relax as well as increase protection for roadless areas as described in existing forest plans. None of the alternatives in the Roadless rule FEIS (including no action) described the effects of potentially diminished protection for Roadless areas. The 2000 FEIS indicates that the Forest Service rejected and did not fully describe or consider an alternative that would have made all roadless areas fully available for development, yet this is effectively what the agency has proposed in the current proposal that allows governors to petition to open up roadless areas for development (that can go beyond what is currently allowed in the LRMPS). Such an alternative has not been subjected to full NEPA analysis. (Organization, Washington, DC – 2226)

The Forest Service cannot rely on the 2000 FEIS because a new statement of Purpose and Need is necessary.<sup>60</sup> Because the proposed rule would establish a nearly opposite set of circumstances than those that were promulgated by the existing rule, a new statement of purpose and need is required to establish the parameters of a new EA or EIS and the alternatives it considers. Again, as its need for the existing Roadless Rule, the agency stated in 2000 that the need, at least partly, was: preventing habitat fragmentation and ecosystem decline by providing federal protection for inventoried roadless areas, addressing burdensome budget costs of logging and logging road

construction, and reducing the controversy regarding roadless land management.<sup>6</sup> The Forest Service here proposes to establish the opposite set of circumstances: no status quo protection of roadless areas, possible budget increases for logging road construction, and increased controversy. (Organization, Washington, DC – 2226)

The original Roadless Rule was accompanied by NEPA analysis in the form of a full EIS. That EIS did not analyze the thousands of potential permutations that could exist under this proposed rule, where some areas are protected, some are not, some are partially protected, and some may even be developed. It is important to note that a governor's petition is not limited to protections for roadless areas; it is a petition to establish "management requirements." A governor could petition can apply to "all or any portion" of a state's inventoried roadless areas, so petitions can be specific to individual roadless areas. Unless the agency provides full and valid NEPA analysis for all these new potential impact, which were not given NEPA analysis in the original EIS (as nothing like this was contemplated in that proposal), it will be in total and clear violation of NEPA. The new roadless area petition regulations will be but one of many related administrative proposal and directives relating to National Forest management. Some, but not all, of these administrative actions are part of the Bush Administration's "Healthy Forest Initiative." The other changes include:

- CE of hazardous fuel reduction projects from National Environmental Policy Act (NEPA) documentation. CE of timber sales up to 50 acres and salvage sales up to 250 acres.
- Proposed amendments to the National Forest Management Act (NFMA) regulations.
- Guidance from Council on Environmental Quality concerning environmental assessments of fuel reduction projects (12/9/02).
- Guidance from U.S. Fish and Wildlife Service and National Marine Fisheries Service concerning endangered species consultations on fuel reduction projects (12/10/02).
- Interim Directive on NEPA Categorical Exclusions and Extraordinary Circumstances (8/23/02).

Violation of NEPA for Failure to do EIS. Whether the four forests involved posture the 2004 Effort under the 1982 version or the 2000 version of the Forest Service Planning Rule at 36 CFR 219, the 2004 Effort is inconsistent with the superseding requirements of NEPA. The 2004 Effort constitutes a federal action affecting the environment; hence the Effort is invalid for failure to carry it out as part of a valid EIS process. (Elected Official, Salt Lake City, UT – 36366)

The 2000 No Action Alternative is Fundamentally Different from a True No Action Alternative and the Current Proposal Thus the status quo, or "no action" approach for roadless area management prior to and at the time of proposing this Rule, was that roadless areas were protected from road construction and most commercial logging pursuant to the 2001 Rule and its predecessors. The current proposal seeks to return to a baseline where forest management plans control roadless area management. However, that is not the status quo or "no action", because forest plans allow roadbuilding in approximately 59% of the 58.5 million acres of inventoried roadless areas 2000 FEIS at 2-6. (Organization, Charlottesville, VA – 43130)

Furthermore, the proposal for an optional state by state petition process for determining roadless area management must also be evaluated in an Environmental Impact Statement. The 2000 EIS does not evaluate an alternative like that proposed here. (Organization, Charlottesville, VA – 43130)

The claim that this proposal can be categorically excluded from NEPA documentation is overreaching. First, part of the proposal is to eliminate the 2001 Roadless Rule that provides protection for 58 million acres of inventoried roadless areas nationwide. Clearly, this decision to eliminate the 2001 Rule and return to Forest Plan management that opens 60% of the areas to roadbuilding cannot be categorically excluded. Second, the proposal to establish a state by state petition process is far beyond the types of activities contemplated by the Forest Service Handbook. The purpose of the state by state petition process is, at least in part, to allow governors to seek to open up roadless areas to development. When you consider the potential for a significant portion of 58 million acres to be opened up through the state by state petition process and ensuing rules, it is clear that the potential impact of this proposal is several orders of magnitude greater than what is contemplated by section 31.1B. For example, the types of things listed as examples of meeting

the intent of 31.1 B are “closing a road to protect big horn sheep during lambing season” and “establishing a service-wide process for responding to offers to exchange land and agreeing on land values.”

As stated by the Ninth Circuit in *Thomas v. Peterson*, 753 F.2d 754, 760 (9th Cir. 1985): “We believe that consideration of cumulative impacts after the road has already been approved is insufficient to fulfill the mandate of NEPA. A central purpose of an EIS is to force the consideration of environmental impacts in the decision-making process. (Citations omitted) That purpose requires that the NEPA process be integrated with agency planning “at the earliest possible time,” 40 C.F.R. § 1501.2, and the purpose cannot be fully served if consideration of the cumulative effects of successive, interdependent steps is delayed until the first step has already been taken. (Organization, Charlottesville, VA – 43130)

An EIS is Required Because There is Substantial New Information on the Benefits of Protecting Roadless Areas. and the Harms Caused by Fragmenting Them. The Forest Service cannot rely on the 2000 FEIS because it must consider the most current information before making a new decision. While implementing any previously approved decision, the Forest Service has a continuing duty to gather and analyze “significant new information “that has a bearing on the proposal (40 CFR §1502.9). However, when the Forest Service is proposing to make a new decision, like this new Roadless Rule, the Forest Service has a broader duty to take a “hard look” at ALL new information, not just “significant” new information. (Organization, Charlottesville, VA – 43130)

The Forest Service’s attempt to circumvent the NEPA process is illegal. NEPA requires the analysis of the environmental effects of major federal actions. Here, the Forest Service asserts NEPA is not required because the analysis for the no action alternative in the EIS for the original rule is sufficient. The Forest Service’s false separation of the revision of the regulation and the creation of the petition process is absurd because the two parts are clearly the same action. The petition process would have no utility without the revision of the roadless rule, because the petition process directly conflicts with the current (protective) roadless rule. Thus, it appears the agency is arbitrarily separating these actions in order to evade environmental review. This is contrary to the express purposes and goals of NEPA. NEPA requires the FS to engage in analysis at the earliest practicable time, not at some point down the road when states may or may not seek to protect the roadless areas within their state. (Individual, Portland, OR – 81037)

The Forest Service should address the impact on these critical ecosystem features by closely examining land beyond the immediate analysis area and considering the cumulative landscape-scale effects of continued habitat destruction within and adjacent to unroaded forest land in the JNF. NEPA demands such....For example, logging these adjacent or marginal places will degrade the roadless/unroaded area’s special ecological, recreational, and scenic values; the roadless area will in effect be diminished in size as visitors will have to retreat further and further into the interior in order to escape “sights and sounds of civilization.” This and other relevant impacts are not assessed by the planners. The cumulative effects of these actions are important and relevant. (Organization, Roanoke, VA – 2176)

We do understand that proceeding with this rule would require a programmatic environmental impact statement. We suggest changes to the proposed rule in this letter in an effort to ensure that the rule is legally sufficient and capable of being implemented. (Elected Officials, Duchesne, UT – 1472)

**THE PROPOSED RULE IS CONSISTENT WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), THE CLEAN WATER ACT, AND OTHER LAWS AND REGULATIONS**

It fully considers provisions of existing federal laws such as NEPA, Clean Water Act, Clean Air Act, Safe Drinking Water Act, and it should lead to significant production of millions of acres of wilderness, of true roadless areas in Colorado as well as throughout the nation. (Individual, CO – 43220)

**THE PROPOSED RULE *CONFLICTS WITH THE ADMINISTRATIVE PROCEDURES ACT (APA)*  
BECAUSE A NEED FOR THE NEW RULE IS NOT JUSTIFIED**

The Federal Register notice clearly fails to meet even the rudimentary analytical requirements of the APA...[T]he agency's main justification of "legal uncertainty" does not hold up under scrutiny. Moreover, the Supreme Court has specifically rejected the existence of "substantial uncertainty" as a justification for reversing agency regulations...The notice also provides no analysis explaining why completely repealing the Roadless Rule and establishing a cumbersome state petition process is a desirable, or even logical, way to resolve problems with the Rule. (Organization, Washington, DC – 39996)

Given the Forest Service's formal determination of environmental and fiscal "Purpose and Need" for the Roadless Rule, the revocation of that Rule without reasoned explanation is arbitrary and capricious under the Administrative Procedure Act. (Elected Official, Oakland, CA – 2152)

The Forest Service's proposed action is arbitrary and capricious and violates the rational decision-making requirements of the Administrative Procedure Act by failing to articulate a rational basis for reversing the protections provided by the 2001 Roadless Rule. The Administrative Procedures Act (APA) requires federal agencies like the Forest Service to explain the reasons for a proposed regulatory change. (Organization, Lander, WY – 1914)

More fundamentally, the Agency offers no substantive explanation of why it is abandoning an overwhelmingly popularly supported rule with an extensively documented ecological rationale and a clearly articulated fiscal purpose. The Forest Service has similarly failed to explain the abandonment of its recently held view that "national-level direction" would ease, rather than exacerbate, public controversy regarding roadless-area management. A rational response to public controversy and litigation surrounding the Roadless Rule is not to jettison without explanation a Rule that was supported by ample documentation of resource need and by one million public commenters, but at most to propose (and justify) changes at the margins. The failure to do so renders the Forest Service's actions arbitrary and capricious. (Elected Official, Oakland, CA – 2152)

**THE PROPOSED RULE *CONFLICTS WITH THE NATIONAL FOREST MANAGEMENT ACT*  
(NFMA)**

However, among the purposes of the National Forests under the National Forest Management Act are to preserve watersheds and to preserve wildlife. Thus, by allowing greater logging, including destructive clearcuts—and many roadless areas are on steep slopes—the mission of the Forest Service under NFMA and other legislation will be eroded by allowing greater destruction of watersheds and loss of natural wildlife diversity. Consequently, this petition policy will violate those laws. (Organization, Portland, OR – 2228)

[I]t is illegal for the U.S. Forest Service to delegate its management responsibilities to state officials. Under NFMA and other laws, the Forest Service is the sole agency given the authority by Congress to manage the National Forest system. The statutes do not grant the agency the authority to delegate decisions about management of roadless areas, or any other areas, to governors of individual states. By saying that the Forest Service will never consider managing a roadless area in a protective manner unless a state's governor petitions the agency to do so (and petitions within a set time period), the Forest Service abdicates its duties and responsibilities illegally. (Individual, Bigfork, MT – 3020)

No authority for the 2004 Effort and no authority for either section 219.17 of the 1982 Planning Rule or sections 219.9(b)(8) and 219.27(c) of the 2000 Planning Rule are found in the National Forest Management Act or the Multiple Use Sustained Yield Act. Nowhere does the text of NFMA authorize roadless area inventorying or evaluation as part of the forest plan revision process. (Elected Official, Salt Lake City, UT – 36366)

This proposal to look only at roadless areas instead of the entire National Forest represents a disintegration of comprehensive planning as required under the National Forest Management Act. It similarly is at odds with ecosystem management directives. The advantages of looking at all

functions across a national forest (and beyond) are lost only when portion of a National Forest's land base is examined and action prescribed. The planning process mandated by NFMA is elaborated by provisions in Federal Regulations, the Forest Service Manual, Forest Service Handbook, and case law. These assure that the planning process is clearly understood and consistently applied by National Forest staffs across the country. The State-petitioning planning process would need similar elaboration to assure it is not arbitrary and capricious in its application. (Organization, Roanoke, VA – 57793)

The portion of the 2004 Roadless Rule that enables State Governors to petition the federal government must be legally defensible. The 2004 Roadless Rule must comply with the National Forest Management Act regarding local issues and local input. Likewise, we must have forest plans that enable and support rule implementation. (Organization, Moscow, ID – 1432)

**THE PROPOSED RULE IS CONSISTENT WITH THE NATIONAL FOREST MANAGEMENT ACT (NFMA)**

The approach being proposed complements local-level forest planning. As established by the National Forest Management Act, local-level forest planning has long been the mechanism used to develop forest plan decisions by those people most knowledgeable about the national forest lands. Local forest plans have been developed through an open public process that includes various stakeholders (agency personnel, industry representatives, environmentalists, elected officials, and community activists). A national top-down, one-size-fits-all roadless conservation rule, like the 2001 rule, undermines the cooperative dialogue that takes place during each forest's plan revision and ignores years of research, scientific analyses, collaboration, and compromise. (Organization, Phoenix, AZ – 1913)

**THE PROPOSED RULE CONFLICTS WITH MANAGEMENT POLICIES OF ADJACENT FEDERAL/STATE LANDS**

The replacement of the Roadless Area Conservation Rule with an alternative proposal creates a new threat to the National Park System due to the proximity of Roadless Areas to national parks. As Secretary of the Interior, it is your responsibility to protect the national parks and uphold the mission of the National Park Service: to preserve the national parks unimpaired for future generations. Therefore, it is your duty—to your position and to the national parks—to comment on the alternative proposal, advocate for its withdrawal, and by every other means possible seek to assure that the protections set out in the Roadless Area Conservation Rule fully accrue to the national parks. (Individual, Albuquerque, NM – 1499)

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**THE PROPOSED RULE CONFLICTS WITH REVISED STATUTE (R-S) 2477**

I have noted a consistent pattern of government destruction of primitive roads beginning with my early visits to Federal Lands in 1965. Most of these roads were paid for with State and Federal tax dollars and I consider them to be a part of our essential infrastructure and icons of our cultural heritage. (Individual, Seattle, WA – 73461)

### **THE PROPOSED RULE CONFLICTS WITH THE ENDANGERED SPECIES ACT (ESA)**

The harm caused by the existing road system to aquatic and terrestrial species and their associated habitats is well documented and is in fact adding layers of management complexity to the Forest Service because of increasing violations of federal species and water protection laws. (Organization, Eugene, OR – 3201)

In recent work completed by the Pinchot Institute for Conservation, institute scientists found a high degree of correlation between areas recommended for protection under the Final Roadless Conservation Rule (66 FR 3244) and some of the nation's most important reservoirs of imperiled biological diversity. (The Pinchot Letter, Vol. 9, No. 1 Spring, 2004) A clear majority of the inventoried roadless areas (IRA) overlapped with threatened and endangered species distributions. This is strikingly important in itself, but, in addition, the Forest Service must be planning ahead to obviate the need for future listings through appropriate protective actions. Consequently, even those IRA's where there currently is no known overlap with T & E species have a key role to play in the protection of many species of concern and those species that could, without proper protection, become future candidates for Federal listing. Rather than court a "train wreck," the Forest Service must apply forward thinking. The Final Roadless Conservation Rule of January, 2001 does just that.

As the Pinchot Institute further notes, a number of the IRA's in the Pacific Northwest and Rocky Mountain West are also important for the long-term viability of wide-ranging carnivores, like the grizzly bear. To this should be added the wolverine, fisher, lynx and gray wolf. In my own state of Washington, the latter four species are all endangered species, even by the strictest definition, yet only the latter two have formal listing as Federally endangered. The Forest Service must do much more to pre-plan for the recovery of both the wolverine and fisher, and IRA's, along with other public lands, will be an important component of the effort needed to accomplish this. Even where formal listings exist, as in the case of the grizzly bear, a recently filed suit by the Northwest Ecosystem Alliance alleges that the Service has not taken appropriate action to prevent extinction of the species in the North Cascades. To suggest repeal or revision of the Final Roadless Conservation Rule while species continue their downward spiral on Forest Service land is not responsible action. (Individual, Seattle, WA – 5239)

This whole process is skewed against the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act. (Organization, Carson City, NV – 2225)

### **THE PROPOSED RULE CONFLICTS WITH THE CLEAN WATER ACT (CWA)**

This whole process is skewed against the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act. (Organization, Carson City, NV – 2225)

The harm caused by the existing road system to aquatic and terrestrial species and their associated habitats is well documented and is in fact adding layers of management complexity to the Forest Service because of increasing violations of federal species and water protection laws. (Organization, Eugene, OR – 3201)

### **THE PROPOSED RULE CONFLICTS WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

I have an autistic child. He and other severely handicapped kids depend on the wilderness areas. These kids can NOT be around noise, pollution, etc., etc.—all the things the loss of this bill will bring. These are some of the FEW areas we can take them to escape the noise and filth of civilization. Please help them. (Individual, No Address – 84060)

### **THE 2001 ROADLESS RULE CONFLICTS WITH MINING/MINERAL LAWS**

One of AMA's greatest concerns about the January 2001 Rule is that it failed to properly consider and account for the public laws that specifically control access and development of minerals on public lands. (Organization, Phoenix, AZ – 1913)

**THE PROPOSED RULE *CONFLICTS WITH THE MULTIPLE USE AND SUSTAINED YIELD ACT (MUSYA)***

No authority for the 2004 Effort and no authority for either section 219.17 of the 1982 Planning Rule or sections 219.9(b)(8) and 219.27(c) of the 2000 Planning Rule are found in the National Forest Management Act or the Multiple Use Sustained Yield Act. Nowhere does the text of NFMA authorize roadless area inventorying or evaluation as part of the forest plan revision process. (Elected Official, Salt Lake City, UT – 36366)

**THE PROPOSED RULE *IS CONSISTENT WITH THE MULTIPLE USE AND SUSTAINED YIELD ACT (MUSYA)***

The proposed rule is consistent with prior legislation on management of national forests: Multi-Use Sustained-Yield Act of 1960...(MUSYA) has the key concept that national forests are to be managed to meet multiple needs. The January 12, 2001 promulgated roadless rule (Clinton roadless rule) fundamentally changed the Forest Service's management of roadless areas by establishing prohibitions (with some limited exceptions) of road building. Thus, the opportunities for potential "multiple use" of such areas are greatly limited. 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...Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administrations of Federal land not within national forests. [MUSYA 1; Title 16, Conservation, 528] (Organization, Boise, ID – 3206)

**THE PROPOSED RULE *CONFLICTS WITH NATIVE AMERICAN TREATY RIGHTS***

Note that the proposed rule excludes Indian nations. That has the effect of jeopardizing their important property rights to forest lands. Many treaties with Indian nations, the "law of the land" under the Treaty Clause of the Constitution, reserve off-reservation land use rights, and the United States has upheld them as "treaty usufructs." *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172 (1999); see also Michael R. Newhouse, *Recognizing and Preserving Native American Treaty Usufructs the Supreme Court: the Mille Lacs Case*, 21 *Pub. Land & Res. L. R.* 155 (2000) (discussing the concept of usufruct property rights in Indian treaties in detail). Forest Service policy recognizes such treaty rights in general and with regard to specific grazing rights, hunting and fishing rights, gathering rights and interests, and water rights—among other things. United States Forest Service, *Forest Service National Resource Guide to American Indian and Alaska Native Relations*, FS-600, 44-47 (April 1997). There is also the matter of the usufruct property right of the uses of sacred sites, and the Forest Service has an affirmative obligation to "avoid adversely affecting the physical integrity of such sacred sites." Sec. 1(a)(2), Executive Order 13007, *Indian Sacred Sites* (May 24, 1996). If the Forest Service surrenders its mandate to identify and protect roadless areas, those Indian treaty rights will be jeopardized or denied.

Many of the treaties to permit the United States to effectively occupy the West have such treaty terms, but one of the most illustrative is in Article I of the Agreement with the Indians of the Blackfeet Reservation in Montana (1895), which amended the 1855 Treaty between the Blackfeet Nation and the United States by accepting a large surrender of lands reserved under the Treaty and providing that Blackfeet Indians could enter those public lands to remove wood and timber and to hunt and fish.

Those are important property rights, and the Forest Service proposes to shift responsibilities to the States in areas where Indian nations and individuals have important rights. Indian nations have been left out of the process, and the proposed rule has no provisions for them to assert their use rights or protect them from being endangered as individuals enter areas without restriction given the demise of the "roadless" policy...

The notice states that the proposed rule "would not pose the risk of a taking of private property." That is incorrect. Again, a usufruct right to use land is a form of "private property," and the rule would permit a "taking" by allowing the impairment of treaty property rights by allowing roads to be put through public lands. The Forest Service is surrendering its trust responsibility to protect Indian usufruct rights, and without control over the cutting of roads unless there is a State petition,



there is a danger that those rights will be taken or impaired with no effective control over such takings. The federal government is sanctioning takings as the rule is proposed, and individual Indians and their nations have an identified property right in the use of forest lands.

There is a fiscal aspect to that impact. To the extent that individual Indian and Indian nation property rights are impaired, the United States is subject to suits for damages for the value of impairment of those rights, and that adds to the fiscal impact the notice disclaims. (Individual, Albuquerque, NM – 162)

**THE PROPOSED RULE CONFLICTS WITH EXECUTIVE ORDER 12866, REGULATORY PLANNING AND REVIEW.**

Additionally, the claim that the proposed rule has been determined economically insignificant in accordance with USDA procedures and Executive Order 12866, the billions of revenue and tax dollars associated with lost production of energy minerals far, far exceeds the \$100 million threshold established in the Executive Order, is also flawed. Therefore, we strongly advocate the elimination of the 2.7 million acres that contain these important energy resources from consideration under the proposed rule. (Business, Houston, TX – 76965)

**THE PROPOSED RULE CONFLICTS WITH EXECUTIVE ORDER 13211, ACTIONS CONCERNING REGULATIONS THAT SIGNIFICANTLY AFFECT ENERGY SUPPLY, DISTRIBUTION, OR USE**

The proposed rule uses the same definition for inventoried roadless areas as was contained in the 2001 rule. It then sets out a procedure by which the governor of a state may petition the Forest Service for a rulemaking which addresses the management of inventoried roadless areas within that particular state. However, in the absence of such a petition, it appears that inventoried roadless areas will be managed pursuant to Interim Directive 1920-2004-1. That directive continues the *de facto* wilderness management of inventoried roadless areas “until a forest-scale roads analysis is completed and incorporated into a forest plan.” Forest Service Manual § 1925.03. Very few of those forest scale roads analyses have been prepared and it is unclear that any of them have been “incorporated into a forest plan.” As a consequence, even if the proposed rule were adopted, the status quo would remain unchanged; i.e., the millions of acres defined as inventoried roadless areas will be managed as *de facto* wilderness. The effect of that decision is to make access to valid existing oil, gas and coal leases difficult, if not impossible. Moreover, it sets aside for complete non-development a substantial area that has been determined through the Energy Policy Conservation Act’s inventory process to contain potential for significant natural gas production. For that reason, the assertion in the proposed rule that it will not have a significant energy impact as described in Executive Order 13211 is completely false. The proposed rule should not be adopted without the analysis required under the executive order (Business, Denver and Durango, CO – 1912)

- Eliminate areas with high potential for energy resources from roadless consideration. The assertion that the proposed rule is in compliance with the President’s Executive Order 13211 is incorrect. According to the Department of Energy, Fossil Fuels Office, in testimony presented 4/16/2001 before the Senate Subcommittee on Forests and Public I and Management, Committee on Energy and Natural Resources.
- A mean estimate of 11.3 TCF (and as much as 23.1 TCF) of natural gas underlies currently indentured roadless areas in the Rocky Mountain region.
- A mean estimate of 550 MMB (and as much as 1200 MMR) of technically recoverable oil underlies the same roadless areas.
- Comparing estimates from the National Petroleum Council (NPC) 1999 natural gas study, the roadless could add 9.4 TCF of natural gas to the resource estimated by the NPC to be off limits to development in the Rocky Mountain region a 32 percent increase. Most importantly, DOE estimates that 83 percent of the affected natural gas resource, 9.3 TCF, is located in 9 plays beneath 2.7 million acres of roadless area, which is less than five percent of the 58.5 million acres covered by the roadless rule.

In addition, DOE specified that currently identified roadless areas contain millions of tons of high-quality coal:

- In Colorado and Utah, at least 500 million tons of coal with a value of \$7 to \$10 billion could be made inaccessible.
- In western Colorado, three active mines annually producing 16 million tons of high grade coal are hemmed in by roadless areas, which would preclude the operators from extending operations into currently unmined areas.
- In central Utah, three coal tracts could contain 185 tons of economic coal worth \$2.8 billion to \$3.7 billion. One of the tracts is adjacent to an operating coal mine producing six million tons per year, employing 252 people with an annual payroll of over \$19 million, needs these resources for future expansion.

Given the immense quantity of energy minerals affected by the current definition of a “roadless area” used in the proposed rule, it is perplexing how the agency can come to the following conclusion that it does not constitute a significant energy action as defined in the Executive Order 13211. Clearly, the designation as roadless and the potential withdrawal of trillions of cubic feet of natural gas, millions of barrels of oil and millions of tons of economic coal deposits must be considered at a minimum a “significant” energy action. (Business, Houston, TX – 76965)

#### **THE PROPOSED RULE *CONFLICTS WITH THE UNFUNDED MANDATES REFORM ACT OF 1995***

While the notice disclaims that the rule would be a unfunded mandate, that is not the case. One of the major purposes of the Unfunded Mandates Reform Act of 1995 was “to end the imposition ... of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities.” Sec. 2(2) (codified at 2 U.S.C. § 1501). It does not appear, from the statement in the notice, that the Forest Service complied with the mandatory requirement at § 201 (2 U.S.C. § 1531) that it must assess the effects of the rule on State, local and tribal governments. The notice states that the rule would not compel the expenditure of \$100 million or more by “any” State, local or tribal government, when the Act states that the sum to be determined under § 201 is that sum in the aggregate. Secs. 421 (3)(A)(i) (2 U.S.C. § 658) and 202(a) (2 U.S.C. § 1532). Given, as stated in the notice, that approximately 72% of all inventoried roadless areas are in 11 States of the West, the burden upon those states, which have large forest areas, would easily exceed \$100 million, and the proposed rule violates the Unfunded Mandates Reform Act...

The proposed rule would shift the significant burden of assuming the assessment of what areas should be roadless in the future to the States, and they cannot afford to assume that burden. The States would have to expend monies to (1) identify many roadless areas in remote areas, (2) spend monies that are not readily available to satisfy the petition requires in proposed § 294.14, and (3) fight contested battles over which areas should or should not be “roadless.” Energy and logging companies, and other corporate forest users, would likely expend large sums of money contesting petitions and thus increase the financial burden on the States and Indian nations.

The rule would also impose an unfunded mandate on Indian nations, as they would have to expend monies to lobby governors to file petitions (since Indian nations are excluded from the petition process), participate in advocating roadless area petitions, and fight interests that would endanger their land rights in forest areas. Most of the Indian nations of the United States are located in the West, and the financial burdens to protect treaty rights could be significant. (Individual, Albuquerque, NM – 162)

#### **THE PROPOSED RULE *CONFLICTS WITH EXECUTIVE ORDER 13175, CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS.***

The notice incorrectly states that the proposed rule “does not have tribal implications as defined by Executive Order 13175,” so no consultation and coordination with Indian Tribal Governments is required. That is not correct. Executive Order 13175 defines “Policies that have tribal implications” to include regulations “that have substantial direct effects on one of more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” Sec. 1(a) (November 6, 2000). The “substantial direct affect” is impacts upon the exercise of

Indian usufructuary rights, and they can only be modified by Congress. See Newhouse supra. The rule would change the relationship between the Federal Government and Indian tribes by surrendering the trust responsibility to manage public lands for the exercise of usufructuary rights under treaties to the States, and surrendering forest road management to the States. The “distribution of power” is changed, because the power is shifted from a federal agency that has the responsibility to honor Indian treaty rights and surrendered to the States. See Forest Service Natural Resource Guide supra, at 33-40 (Forest Service policies on coordinating forest management with Indian nations).

It is interesting, that according to the January 5, 2001 Forest Service Roadless Area Conservation Rulemaking Facts, there was consultation with more than 180 American Indian and Alaska Native groups for the current rule, but the notice here that Indian nation interests are not affected here. Given those rulemaking findings of fact, where Indian nation consultation was required to implement the plan, why should the situation be different to revoke it? (Individual, Albuquerque, NM – 162)

The Passamaquoddy Tribe object to the implementation of the proposed process and disagree that the proposed rule does not have tribal effects as defined by Executive Order 13175. Our Member Tribes were consulted with the initial Roadless Area Conservation Program in 2000; therefore, the USDA Forest Service did recognize tribal implications at that time. The Passamaquoddy Tribe argues that the same implications exist today, and demand that the USDA Forest Service consult with Tribal Governments regarding the revocation of the existing rule and implementation of the petition process. (Tribal Government, Perry, ME – 1680)

The Tribe, however, must express its disappointment that the U.S. Department of Agriculture has once again failed at the national level to uphold its promises to the Tribe to consult with it in the development of regulatory policies with Tribal implications. See, Executive Order 13175 (November 6, 2000); Letter from Alberto R. Gonzalez, Counsel to President Bush, to Congressman Frank Pallone, Jr. (June 19, 2002). The Department’s failure to consult is even more telling when compared to the level of collaboration and coordination occurring at the local level. Forest Service representatives are active participants in the Kootenai Valley Resource Initiative (KVRI), a community-based, collaborative effort for protection and restoration of natural resources. The Forest Service, Tribe and community are working through KVRI under the Healthy Forests Restoration Act, among other things, to manage for protection of the watershed responsible for drinking water for the Tribe and community. The Forest Service and Tribe are also cooperating to protect cultural resources through the use of Tribal Cultural Resource Monitors that oversee work in the national forests in areas of cultural significance to the Tribe. In addition, the Tribe and the Forest Service are negotiating a Memorandum of Agreement to coordinate and collaborate on development of Forest Plans for the Panhandle and Kootenai National Forests.

As you can see, the level of local collaboration and consultation by the Forest Service with the Tribe and local community is great. You will understand our disappointment, then, that the Tribe was not involved in development of the Proposed Rule. (Tribal Government, Bonners Ferry, ID – 58206)

**THE PROPOSED RULE CONFLICTS WITH REGULATIONS AT 5 CFR PART 1320,  
CONTROLLING PAPERWORK BURDEN ON THE PUBLIC OR CREATES OTHER BURDENS  
ON THE PUBLIC.**

Information Collection Burden. The proposal would ask states to “petition the Secretary...to promulgate regulations establishing management requirements for all or any portion of National Forest System inventoried roadless areas within that State” (proposed 36 CFR Part 294, section 294.12, Notice, page 42640, right column). The Notice asks whether the information collection—management requirements for each roadless area, reviewed on an area-specific basis (page 42640, left column)—is necessary or will have utility (page 42640, center column). Inasmuch as the information development may replicate what is already in applicable Land and Resource Management Plans or other forest planning documents including NEPA documents, it appears that the information is not necessary. It will have only the “practical utility” that it is allowed to have through Secretarial approval. This may or may not be as much utility as already exists in Land

and Resource Management Plans, which give comprehensive plans and periodic evaluations for whole National Forests rather than just roadless areas. (State Agency, Richmond, VA – 2021)

It is inconsistent to shift the difficult work of roadless area designation from the Forest Service to states when the states do not have the authority to see that decisions are implemented. Asking Oregon to create yet another planning process for federal lands without any real management responsibility or budget control is simply an unproductive use of the state's time, energy and resources. (Elected Official, Salem, OR – 88916)

The information requirements for each State petition appear to be in line with the stated purposes of the proposed rule, and the estimated burden for information collection (an annual average of 1000 hours per respondent) is probably as close of an estimate as can be made, considering that some States will spend more time and some, considerably less. The 18-month petitioning period seems adequate, although, States' input on the sufficiency of this timeframe, as well as the accuracy of the estimated hourly burden, should be carefully considered. (Elected Officials, Sundance, WY – 1412)

Accuracy of the Estimate of the Information Collection Burden. The Notice indicates, without indicating any basis for development of the estimate, that the burden of information collection could be as much as 1,000 hours for a single state petition. A specific and well-grounded contradiction or affirmation of this estimate would take considerable work in state resources agencies and fiscal agencies; but consider that 1,000 hours is about half of a year's work for one person, and then estimate how many people it takes to develop, refine, estimate personnel and financial requirements for, and then administer Land and Resources Management Plans for each National Forest. The Forest Service should provide some basis for this estimate. (State Agency, Richmond, VA – 2021)

Finally, the petitioning process outlined in the proposed rule has the potential to be quite onerous to state agencies that are already dealing with limited resources. The notice of proposed rulemaking estimates that preparation of a petition will require as much as 1,000 hours of state staff time. I cannot see the justification for requiring that kind of investment in bureaucratic analysis when those resources would be used to enhance and protect our state's forests. This is especially true in light of the fact that the current management policy under the Roadless Area Conservation Rule already in place is working well. (Organization, Charlottesville, VA – 43130)

We believe the estimate of 1000 hours per petition grossly underestimates the time that would be required to prepare a petition that would be successful in receiving approval by the Secretary of Agriculture. We believe the time required should be based on comparable time devoted to roadless issues and analysis in revision of a Land and Resource Management Plan...If governors were to undertake to draft a petition for change in management direction for roadless areas, they should be fully aware of the magnitude of the burden that would be assumed. That burden includes developing modern geographical information systems that include ecological and watershed structures and functions across state lines, thus sharing often-proprietary state data, and properly collating at different scales. (Organization, Roanoke, VA – 57793)

Avoid unfunded mandates. Estimates of 1000 hours per state petition has been presented. This process could easily become a major public process and with the potential for development of site specific petitions for both less restrictive and more restrictive management prescriptions for different areas, an 18 month period seems extremely limiting even for Nevada with relatively smaller acreages of inventoried roadless areas. (Elected Official, Carson City, NV – 2024)

#### **THE PROPOSED RULE *CONFLICTS WITH OTHER LAWS, REGULATIONS, AND POLICIES.***

It abrogates the statutory responsibilities of the Department of Agriculture's United States Forest Service established in the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended. (Anonymous, Moab, UT – 4769)

Among other regulations and policies, the proposed rule also conflicts with the Unified Federal Policy for Watershed Management. [FEIS, v. 1, p. 3-399]...In addition, the proposed rule may place the U.S. in violation of international agreements for the protection of rare and endangered

species, such as migratory bird treaties with Canada and Mexico and the Convention of Nature Protection and Wildlife Preservation in the Western Hemisphere. (Individual, Palmdale, CA – 278)

Section 294.11 is silent on any previous Congress approved State's Wilderness Acts, which in some states, the Act, in clear text of the law states that the RARE II inventory is the final roadless inventory within that given state, and no more roadless areas are to be inventoried without expressly authorized by Congress. This rule should recognize and allow for these mentioned wilderness act. (Elected Officials, Duchesne, UT – 1472)

Giving state governors greater power over federal lands than others violates at least the Privileges and Immunities Clause of the U.S. Constitution at Article IV Section 2; the administration's decision to defer in any degree to state officials is an abdication of its duties under the Property Clause of the U.S. Constitution at Article IV, Section 3; is also a violation of the Commerce Clause at Article I, Section 8; and the decision to withdraw the current rule and replace it with this phony, dressed-up version of 5 U.S.C. 553(e) disguised as an effort to, of all things, protect roadless areas, is arbitrary and capricious. (Organization, Tucson, AZ – 1686)

Our purpose in writing separately is to emphasize that some of the lands that would potentially be opened up to new road construction might impact directly or indirectly on the use and enjoyment of the Continental Divide National Scenic Trail (and, presumably, other national scenic trails as well). Under the National Trails System Act, motorized vehicles are generally not to be permitted to use these travelways. (Organization, Baltimore, MD – 2022)

There are two major illegalities in this preceding. Our Founding Fathers incorporated into the Constitution, Article #4 and Article #6—Federal property and supremacy clauses. You are attempting a states rights legal action without the required assent of Congress. (Organization, Carson City, NV – 2225)

Even if an agency decides upon a change of course, that agency is always required to provide a “rational evaluation of the merit and efficacy of its policies.” In situations where the agency chooses to change course, as is the case here, it will still be obligated to “supply a reasoned analysis for the change beyond that which may be required when an agency does not act in the first instance.” In *State Farm* the Supreme Court specifically rejected the mere existence of “substantial uncertainty” as a justification for a reversal. (Organization, Washington, DC – 2226)

In the present situation, the Forest Service has presented no rational evaluation for its proposed change of course. Instead, the agency offers uncertainty over the legal outcomes as justification. In fact, the agency is contradicting itself with its proposed rule change. For example, the agency has stated that the best way to resolve the on-going public controversy over roadless area management was to implement “national-level direction.” The Forest Service has offered no justification for abandoning the existing Roadless Rule that was supported in 95% of comments and supported with extensive ecological and economic reasoning. (Organization, Washington, DC – 2226)

Comment 3: The Rule discriminates against eleven states that do not have roadless areas, but may still be affected by the management of roadless areas. The Multiple-Use Sustained-Yield Act of 1960 requires that the National Forests, “be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.” Roadless areas are essential to providing watershed services, outdoor recreation, and wildlife and fish habitats; all are benefits of National Forests that are not limited by state boundaries. For example, the state of Iowa contains no roadless areas, yet the Missouri River, whose headwaters are in roadless areas in Wyoming and Montana, forms a boundary of the state and is culturally and economically important to the people of Iowa. To discriminate in the petition process against the governor of Iowa and other states affected by roadless area management is arbitrary. (Organization, Eugene, OR – 2229)

The justifications for these changes, as listed in the Federal Register (vol. 69, No. 136, 7/16/2004, p. 42637), do not, in any way necessitate or support the proposed changes to the rule. Moreover, most of the “concerns” listed in the notice do not justify the proposed rule change and/or would not be alleviated by the proposed rule. (Organization, Eugene, OR – 3201)

Furthermore, this re-examination began less than six months after the promulgation of the roadless rule; it is highly questionable why the agency would begin the re-examination of a rule after so short a period of implementation. (Organization, Eugene, OR – 3201)

I remind you of your agency's original rationale for promulgating a national roadless area rule. In a section entitled "National Direction vs. Local Decisionmaking," the Federal Register notice on the final rule reads: Local land management planning efforts may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape. If management decisions for these areas were made on a case-by-case basis at a forest or regional level, inventoried roadless areas and their ecological characteristics and social values could be incrementally reduced through road construction and certain forms of timber harvest. Added together, the nation-wide-results of these reductions could be a substantial loss of quality and quantity of roadless area values and characteristics over time (Federal Register, Vol. 66, No. 9, 1/12/2001, p. 3246). This rationale holds true today, clearly undermining the legitimacy and reasoning behind the state petitioning process currently proposed. (Organization, Eugene, OR – 3201)

If the proposal is adopted, it is highly likely that courts would find it violates the Organic Act creating the National Forests and other laws. (Individual, St. Hood River, OR – 4172)

The current roadless rule creates a defacto wilderness area and avoids the legal process for congressional approval of wilderness areas. (Individual, Colville, WA – 10840)

The 2004 Effort and the 2004 Interim Directive, whether standing alone or in concert with each other, constitute an additional de facto wilderness management regimen that is voice for the same reasons the 2001 Roadless Rule was declared void in the Wyoming Decision. (Elected Official, Salt Lake City, UT, 36366)

The Wilderness Act of 1964 granted the Secretary of Agriculture only wilderness suitability review authority, and that particular grant of authority expired 10 years after passage of the Act. (Elected Official, Salt Lake City, UT – 36366)

There is No Valid Roadless Inventory to "Identify and Evaluate" (Elected Official, Salt Lake City, UT, 36366)

Some may argue that the lands allegedly "inventoried" in RARE II constitute lands which Forest Service may possibly "identify and evaluate," given that Congress in the 1984 Utah Wilderness Act concededly propped up the RARE II effort for lands in Utah. But this argument is dubious at best, because Congress in the 1984 Act never said RARE II in Utah constitutes a valid and satisfactory roadless area review. Rather, Congress in Section 201(b)(2) of the 1984 Act said the RARE II effort in Utah constitutes an adequate wilderness suitability review. Against the backdrop of the Federal Court decisions which declared RARE II a null and void roadless area review, this pronouncement by Congress can reasonably be construed only as a declaration propping up RARE II as a valid wilderness suitability review and nothing else. (Elected Official, Salt Lake City, UT – 36366)

Amend the Rule So It Won't Run Afoul of the Utah Wilderness Act The 1984 Utah Wilderness Act made it very clear that RARE II lands which did not make the wilderness cut in that Act must be managed for multiple use in accordance with land use plans. PL 98-428 § 201(b)(3). Therefore, to rescue the 2004 Proposed Roadless Rule from a certain judicial determination of facial or as-applied invalidity, it is necessary to amend the rule to make clear that any possible management regimen of so-called IRA'S (now defined as RARE II Lands), must be consistent with multiple use. (Elected Official, Salt Lake City, UT – 36366)

Repealing the Roadless Area Conservation Rule does not meet up with the supposed "Clear Skies Initiative." Once again, American citizens have fallen for Mr. Bush's bait-and-switch program of telling us how much he cares about the environment, then turning around and doing just the opposite...sacrificing the sacred beauties of America to satisfy his business constituents. Some of us would call that, "The Selling of America." Why don't we just put out a big sign that says, "America for Sale – Cheap!" (Individual, Springfield, VA – 42006)

Fragment wildlife habitats throughout our National Forests. Numerous species of birds and wildlife need uninterrupted tracts of land for home range and territory. Cutting roads or using old, existing roads would negatively impact populations of large mammals including wolves, bears, and lynx and countless bird species. Furthermore, a number of these animal species are protected by the Migratory Bird Treaty Act or the Endangered Species Act. By fragmenting habitat you could also be in violation of these important conservation measures. (Individual, Minneapolis, MN – 49936)

As currently written, the rule would result in more litigation by conservation groups seeking to defend the environmental values of these wild areas. If the rule is adopted as is, any roadless area that has not been listed on a state petition when the deadline is met could be re-opened for road building. The issue of opening up roadless area decisions to states is ludicrous. Such issues are much too important to be subject to political winds that may shift every four years. (Individual, Bloomington, IN – 56848)

Besides ruining the natural state upon which the roadless decision was made over 3 ½ years ago, the way in which the roads would be built is contrary to NAFTA terms. One example is that the U.S. government would be subsidizing the logging industry by absorbing a fair part of any project's overhead. As you are probably well aware, at the end of last month NAFTA rebuked for the third time the unjustified 27% tariff imposed on Canadian lumber in May 2002 by the administration. For any roads to be built in the roadless areas, the only course of action to take, in order to avoid any potential NAFTA conflict, would be to open portions to the oil, gas and mineral interests for their own exploitation. Such acts would leave indelible scars upon the landscape, even as legal as they would appear. (Individual, Santa Cruz, CA – 70549)

Moreover, such dispersion of authority and responsibility would invert the historical and statutory arrangements of the federal system established by the Constitution—which was designed specifically to establish the national government's primacy in matters of national interest. The Articles of Confederation had failed precisely because the ordering of respective sovereignties between the national and state governments was unclear. The commingling by administrative fiat of national and state sovereignties in this proposal would take us back to pre-Constitutional days. (Individual, Gustavus, AK – 44897)

Elected officials (state and local) must be involved and mandatory legislation concerning forest management (Organic Act of 1897) must be considered. (Organization, Hamilton, MT – 3212)

In addition to provision of law cited above, any roadless rule must not supersede or abrogate the rights of Alaska Natives to achieve their entitlements granted under the 1971 Alaska Native Claims Settlement Act (ANCSA). Any final rule must include unimpeded exercise of land selection rights and authority to use Native land and land selection entitlements to exchange for other public land that may include roadless areas. (Business, Juneau, Alaska – 1509)

The State Petition Policy Will Discriminate Against and Interfere with Interstate Commerce. As just noted, the National Forests are not distributed evenly among the states. A company should not be permitted to cut National Forest in one state if, under the same circumstances, it could not cut them in another. Similarly one should not be able to enjoy outdoor recreation in National Forests in one state where he could not in another (consider interstate tourism). And, of course, situation of streams in National Forests should not be permitted in one state when it would not in another. Lastly, the neotropical migrant birds that depend on National Forests (some of which have lost around 50% of their population over the last 30 years) are in interstate commerce and are not the property of one state but belong to the entire general public in all the states. Those are discriminations and interferences with interstate commerce. (Organization, Portland, OR – 2228)

I am shocked at the disregard of the recommendations that took place in the debates on this issue in 2001. Our national forests are for ALL Americans, regardless of income. This national asset is often one of the few that the 'lower income' population can enjoy. These protections should be a national policy, not one that the states control. (Individual, Burlingame, CA – 44454)

In the past, PF has presented an erroneous interpretation of Section 6731 of the California Business and Professions Code. (Ca. Bus. & Prof. C. 6731) In particular, they asserted that; (1)

civil engineering is confined to only that which is connected to fixed works; (2) FS did not perform any studies or any activities in connection with any fixed works; and, (3) FS, therefore, did not and is not performing civil engineering. In support of this erroneous interpretation, FS cited not only the first portion of section 6731 of the California Business and Professions Code. (Ca. Bus. & Prof. C. 6731) (Individual, Moab, UT – 57701)

VIOLATES THE OUTDOOR RECREATION ACT OF 1963The Roadless Rule will terminate a number of previously dedicated outdoor recreation facilities; access roads to other outdoor recreation facilities, OHV trails, and OHV areas. (Individual, Moab, UT – 57701)

VIOLATES 5 USC 604 Title 5 U.S.C. subsection 604 (a) requires The Off-Highway Motor Vehicle Recreation Act of 1988, (California Public Resources Code and 5090 et. seq.). This Act is repealed on January 1, 1998 unless extended by statute. (Ca. Pub. Res. C. 5090. 70) (Individual, Moab, UT – 57701)

Nothing in the Roadless Rule discusses the whether said documents represents a government action that would significantly effect the Federal Budget. (Individual, Moab, UT – 57701)

VIOLATES THE CONGRESSIONAL REVIEW ACT (the CRA)Before the Roadless Rule can take effect, FS was to have submitted, to each House of Congress and to the Comptroller General, a specific report. (5 USCA 801 (a) (1) (A and B)) Amongst other requirements, said report was to include a concise general statement as to whether it is a major rule. (5 USCA 801 (a) (1) (A) (ii) ) If it is a major rule, which it is, it cannot take effect until, at least, 60 days after receipt of said report. (5 USCA 801 (a) (3) (A)). (Individual, Moab, UT – 57701)

VIOLATES EXECUTIVE ORDER NO. 13132 (Individual, Moab, UT – 57701)

VIOLATES 36 CFR 228.8 (h) (Individual, Moab, UT – 57701)

VIOLATES COASTAL ZONE MANAGEMENT ACT (CZMA)The Roadless Rule applies to all national forests, including all those within coastal zone areas. The Roadless Rule is significantly affecting said coastal zone areas. (Individual, Moab, UT – 57701)

The present U.S.F.S. Roadless Policy besides being found illegal is out of whack with the Organic Act. (Business, Salt Lake City, UT – 4265)

Nor would I agree that access should be guaranteed to unused mining claims or grazing lands due to antiquated laws such as the Mining Act of 1872 or the Taylor Grazing Act (1934). (Individual, Pocatello, Idaho – 3819)

Among other regulations and policies, the proposed rule also conflicts with the Unified Federal Policy for Watershed Management. [FEIS, v. 1, p. 3-399]. (Individual, Palmdale, CA – 278)

#### **THE PROPOSED RULE SHOULD COMPLEMENT OTHER LAWS, REGULATIONS, AND POLICIES**

Ensure that roadless decisions are handled in a manner consistent with the August 26, 2004 Executive Order for the Facilitation of Cooperative Conservation...We believe the final proposal that is adopted by the Forest Service should be consistent with this executive order. This means that local (county) governments and local residents need to play a greater role in the conservation of our natural resources. This is another example of why the designation of any roadless area should take place at the local (forest plan) level...To be consistent with the President's executive order on Cooperative Conservation, local governments in the county(s) where roadless areas will be designated must be given cooperating agency status throughout the process. (Organization, Orland, CA – 1470)

The Virginia Department of Historic Resources (DHR) reminds the Department of Agriculture that any undertaking pursuant to the proposed rule should be submitted to DHR for review under Section 106 of the National Historic Preservation Act. (State Agency, Richmond, VA – 2021)

While we oppose the proposal, we believe that if it is adopted in any form, then it should have an exception to preserve the existing status of any roadless area that is within ten miles of any



national scenic trail. Only in that way can we be assured that the statutory objective set out in the National Trails System Act—“to provide maximum outdoor recreation potential and for conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass”—will be recognized and respected. (Organization, Baltimore, MD – 2022)

The Forest Service needs to maintain its leadership position in the management of NFS lands. The agency has tremendous expertise in managing natural resources, particularly in the context of winter sports facilities. It also has a statutory duty to provide outdoor recreational opportunities, in accordance with the National Forest Management Act, the Multiple-Use Sustained Yield Act, and the National Forest Ski Area Permit Act. As we witness an increase in involvement in NFS approval processes from governors and other entities with limited experience in providing skiing and snowboarding opportunities to the public at large, the Forest Service’s recreational expertise is critical to maintaining the quality of the overall process. (Organization, Hood River, OR – 2188)

In 1999, the federal government, acting through the Department of the Interior and the USDA Forest Service entered into an agreement with the Utah School and Institutional Trust Lands Administration (SITLA). This agreement was arrived after the federal government declared that the Grand Staircase Escalante was now designated as a National Monument, precluding the development of the extensive coal reserves in that area. This settlement conveyed the ownership of some federal coal reserves to SITLA until a defined economic threshold was reached to compensate Utah for the loss of the Grand Staircase Escalante coal reserves. Four of these coal tracts conveyed to SITLA (Cottonwood, Mill Fork, Muddy and North Horn tracts) are located on the Manti-La Sal National Forest.

The Memorandum of Understanding, which implements the settlement agreement, precludes the inclusion of the SITLA coal tracts within roadless or wilderness areas. The MOU specifically states “To the extent provided by law, in surface occupancy permits and conditions of concurrence to mining permits, the USDA-Forest Service will abide by the standards and guidelines contained in the Land and Resource Management Plan for the Manti-La Sal National Forest which were in effect on May 8, 1998. Subject to reasonable terms and conditions for the protection of the surface estate consistent with the Forest Plan, any permit requirement may not prohibit reasonable economic development of the conveyed coal estates.” The proposed roadless area designations which are being worked through a Forest Management Plan revision (outside of this rule), which was released on July 15, 2004, now includes portions or all of these three of the four SITLA tracts. This again sets up the federal government for a takings case or a lawsuit for violation of the MOU.

The first amendment to MOU between the Utah School and Institutional Trust Lands Administration, the United States Department of Agriculture, and the United States Department of the Interior was signed in the March-April, 1999-time period. One of the amendments relates to address unanticipated issues “concerning venting of coalbed methane for safety reasons, issuance of potentially-conflicting leases and permits, confidentiality of operator data, and Mineral Leasing Act acreage limitations.” Relative to the venting of coalbed methane, the addendum states:

In patents for coal tracts issued to SITU pursuant to the Act, DOI reserved coalbed methane to the United States. Under certain circumstances, venting of coalbed methane may be necessary to ensure the safety of coal mining operations and/or compliance with safety regulations imposed by the US. Mine Safety and Health Administration (“MSHA”). DOI agrees that it will not unreasonably withhold consent to the venting of coalbed methane by SITLA’S coal lessees as necessary for safety reasons and/or MSHA compliance. Such consent may be conditioned upon resolution of conflicts with existing federal oil and gas leases, payment of royalties for coalbed methane that is captured and used by the lessee, and other requirements that would not unreasonably interfere with coal mining operations.

This has been an important issue at underground mines in Colorado when the depth to the coal increases. At these mines, it is necessary to have road access to the surface in order to bring heavy drilling equipment to help vent the mine for safety purposes. This drilling equipment exceeds the safe payload capacity for helicopters, so road access is critical for maintaining the health and

safety of the underground work force. More detail can be provided to the Forest Service if this would be useful. (Business, Wright, WY – 37373)

**THE PROPOSED RULE IS CONSISTENT WITH OTHER LAWS, REGULATIONS, AND POLICIES.**

[T]he revised rule can empower the states by an “appropriate inclusion of local participation in Federal decisionmaking” as ordered by the Executive Order Facilitation of Cooperative Conservation, August 26, 2004. In fact, our interpretation of that Executive Order is that counties should be allowed to petition with the states. (Organization, Thermopolis WY – 1144)

We are also pleased that your department has taken action to implement a workable policy that will not be subject to years of costly litigation, like the current rule has. (Elected Officials, Madison, WI – 1414)

## Proposed Rule’s Consistency with Other Planning Processes

### 13. Issue: The Forest Service should ensure that the proposed rule is consistent with other planning processes.

**THE PROPOSED RULE IS CONSISTENT WITH INDIVIDUAL NATIONAL FOREST LAND MANAGEMENT PLANS**

In conclusion, Duchesne County feels that it is vital for the flawed boundaries of the 2001 roadless inventories to be replaced with land allocations and management requirements that reflect accurate conditions on the ground and decisions reflected in forest plans. The forest health crisis on federal lands requires that on-the-ground managers have forest plans that guide projects and programs to restore and maintain forest health and provide for the appropriate multiple uses that our national forests are intended to offer. (Elected Officials, Duchesne, UT – 1472)

Accordingly, the U.S. Department of Agriculture has proposed that IRA management follow forest plans. Some special interest groups decry this proposed rule as a giveaway to industry. Not so! Forest plans are developed according to procedures spelled out by NFMA and NEPA with full public involvement over months or years of study, debate and collaboration between all interests. (Business, Paradise, MT – 19959)

The approach being proposed complements local-level forest planning. As established by the National Forest Management Act, local-level forest planning has long been the mechanism used to develop forest plan decisions by those people most knowledgeable about the national forest lands. Local forest plans have been developed through an open public process that includes various stakeholders (agency personnel, industry representatives, environmentalists, elected officials, and community activists). A national top-down, one-size-fits-all roadless conservation rule, like the 2001 rule, undermines the cooperative dialogue that takes place during each forest’s plan revision and ignores years of research, scientific analyses, collaboration, and compromise. (Organization, Phoenix, AZ – 1913)

**THE PROPOSED RULE IS NOT CONSISTENT WITH INDIVIDUAL NATIONAL FOREST LAND MANAGEMENT PLANS**

It would be unlawful for the forest service to adopt a rule which altered a forest plan by changing the allowed land uses in roadless areas, but without also amending the governing forest plan. The state petition proposal provides that if the Secretary accepts a governor’s petition, “the Forest Service shall be directed to initiate notice and comment rulemaking to address the petition.” Proposed section 294.15. While the proposed regulations do not preclude the use of the forest planning process to carry out the rulemaking, neither does it require forest plan amendments or revisions. The Forest Service lacks legal authority to adopt a regulatory option which purports to change the forest plan’s decisions on allowable multiple uses in a roadless area without first amending the governing forest plan. If this is the intent of the proposal, it shares the same central

legal defects that have been raised in a variety of lawsuits with respect to the January 2001 roadless area rule. (Organization, Duluth, MN – 9302)

Section 294.15 prescribes a rulemaking to address a Governor’s petition that has been accepted by the Secretary. Neither the proposed regulation nor the preamble explain how or require this rulemaking be coordinated with the applicable forest management plan. Thus, the proposal seems to suffer from the same fatal flaw as the January 2001 Roadless Rule: no compliance with the national forest management laws and no consideration of local issues. (Organization, Lakeside, CA – 1440)

Section 294.15, state-specific rulemaking, the final rule must ensure consistency with local government plans and consideration of local concerns by complying with the forest management laws. We believe it is vitally important to manage roadless areas through the applicable forest management plan, as required by the national forest management laws. (Elected Officials, Duchesne, UT – 1472)

While I agree with the premise of the proposed rule that local input is appropriate in determining how National Forest lands are to be managed, we believe it is more appropriate that the decision on how particular inventoried roadless areas are to be managed be made at the forest level through the forest planning process. We urge you to expeditiously propose and adopt a rule which allows those management decisions to be made on a local basis through the forest plan. Thank you for your consideration of these comments. (Business, Denver and Durango, CO – 1912)

We support the management of roadless areas as determined by the forest planning process. We acknowledge and respect the extreme effort on the part of concerned citizens and agency personnel, working through the NEPA process, to establish specific direction in forest plans relating to individual roadless areas. We believe it would be a breach of public trust to establish through the forest plan process a management policy for any particular land classification, then subsequently dictate a contrary management policy by national direction. (County Government Association, Sacramento, CA – 2020)

It is unfortunate that a politically inspired rule (i.e., the current roadless rule) was initiated by the former administration. The current change in the roadless rule process is time consuming, contentious and unnecessary. The Forest Plan revisions should have taken precedence of the roadless rule implementation. (Individual, Colville, WA – 5557)

The final regulation should require final decisions about roadless areas to be made through amendment or revision of national forest plans, thereby integrating the roadless area decisions with other land use decisions on national forests and ensuring that local conditions are considered and local input is obtained. (Elected Official, Crawford, NE – 9183)

I urge the Forest Service to incorporate into the final regulations a requirement that if a Governor’s petition would change the management of any roadless area from that set out in the applicable forest plan, that plan must be amended or revised before the rulemaking comes into effect. (Individual, Gilbert, AZ – 31675)

In the event a State-petitioning rule is adopted, it should state that the governor must not only state how his management of areas would differ from that outlined in Forest Land and Resource Management Plans, but more importantly, why the governor’s recommendations improve upon the direction in the plan. Moreover, the governor must demonstrate that any new direction for roadless areas would improve upon meeting the overall purposes of those plans, not just be consistent with them...In the event a State-petitioning rule is adopted, it should state that any areas identified should meet all of the criteria for roadless areas as stated in the relevant Forest Service Manual and Handbook provisions. (Organization, Roanoke, VA – 57793)

Your proposed rulemaking at 36 CFR 294-State Petitions for Inventoried Roadless Area Management should be withdrawn for the following reasons:

1. The proposed rule contravenes the requirements in 36 CFR 294.12 to “Use an interdisciplinary, collaborative approach to planning by engaging the skills and interests of appropriate combinations of Forest Service staff, consultants, contractors, other

Federal agencies, federally recognized Indian Tribes, State or local governments, or other interested or affected communities, groups, or persons, consistent with applicable laws.” The rule should be withdrawn for this reason alone.

2. Your observation that the Forest Service managed roadless areas on an individual forest plan basis is as true today as it was in 2001 when the roadless rule went into place. Thus, inserting a new provision allowing for state petition for roadless area management contravenes the local science and collaborative decision-making that used to take place at the forest level. Allowing states to petition on roadless areas carries the same top-down approach to management as the national rule did, albeit at the state level rather than the entire U.S. landscape.
3. The proposed rule circumvents the requirement “science will be integrated throughout the planning process” 67 FR 72773 National Forest System Land and Resource Management Planning Rules. (Business, Arcata, CA – 1687)

I am concerned by the proposal to allow governors to petition for changing forest plans and the ways in which national forests will be managed. This proposal would go against the responsibility to seek and accept public comment on forest management. It would potentially place major responsibility for management decisions in the hands of governors who do not have the role nor the resources for performing the role in determining what is best for forests. Our national forests are national lands and should be managed in responsibility to all US citizens. That should not become in any sense state lands for local interests to dominate. The planning and implementation of plans to manage our forests should be left in the hands of those utilizing a national perspective, using the best of scientific evaluations—not immediate political interests—and making decisions to preserve natural resources, keeping our forests lively for the future. (Individual, Bailey, CO – 2952)

Improper Forest Planning. Assuming for sake of argument that Forest Service did have some kind of authority to perform an additional roadless area review and evaluation as part of a Forest Plan revision process, the 2004 Effort is still void, because it is not part of one integrated NEPA-based Forest Plan revision process in any of the four forests involved. (Elected Official, Salt Lake City, UT – 36366)

The current roadless rule (without changes) is in direct conflict with Colville Forest Plan, the President’s Healthy Forest Initiative and the well being of local communities in the Colville National Forest as a whole...The Forest Plan revisions should have taken precedence of the roadless rule implementation. (Individual, Colville, WA – 5557)

#### **THE PROPOSED RULE IS CONSISTENT WITH THE HEALTHY FOREST INITIATIVE**

We believe it is critical that the proposed rule, while complying with applicable forest management laws, including the Healthy Forest Initiative, take into consideration the concerns of private landowners, local government officials, state forestry officials and those who depend on the multiple-uses of the forests to support the economic and social health of our communities. (Organization, Helena, MT – 1480)

#### **THE PROPOSED RULE IS NOT CONSISTENT WITH THE HEALTHY FOREST INITIATIVE**

While we understand giving our states a greater say in Roadless decisions is important, we believe this effort fails to meet needs of our members who rely on these lands and is not consistent with the policies established by this administration and Congress. Specifically, we support revisions to the roadless rule that would:

- Return roadless decision to the local (forest plan) level.
- Ensure roadless decisions incorporate and fully consider the goals of the healthy forests initiative adopted by this administration and passed by Congress. (Organization, Yreka, CA – 823)

Ensure roadless decisions incorporate and fully consider the goals of the healthy forests initiative adopted by this administration and passed by Congress. The implementation of the Healthy

Forests Initiative by both Congress and the Administration is a strong signal that management is needed to protect the health of our forests. A policy allowing each state to essentially designate roadless areas runs contrary to the goals of this initiative. This direction means the health of our forests will largely be subjected to the vagaries of each state and its political goals. Congress directed the Forest Service to implement the healthy forests campaign. It's time for the Forest Service to act, not defer its implementation to the individual states...

We envision the following process for roadless areas:

1. Roadless areas will be initiated at the local level with the input of residents. Local governments will be recognized as cooperating agencies in this process. This process would require a revision in the Forest Plan for the impacted forest(s).
2. The review of proposed roadless areas would include an analysis of the designation and its impact on the implementation of the Healthy Forests Initiative. (Organization, Orland, CA – 1470)

While we understand giving our states a greater say in Roadless decisions is important, we believe this effort fails to meet needs of our members who rely on these lands and is not consistent with the policies established by this administration and Congress. Specifically, we support revisions to the roadless rule that would:

1. Return roadless decision to the local (forest plan) level.
2. Ensure roadless decisions incorporate and fully consider the goals of the healthy forests initiative adopted by this administration and passed by Congress. (Organization, Livermore, CA – 1666)

#### **THE PROPOSED RULE IS CONSISTENT WITH STATE AND LOCAL PLANNING PROCESSES**

The following are the Division of Oil, Gas and Mining's comments on the above-cited proposed rule contemplating giving governors input, by petition, to land use activities within previously designated roadless areas on national forests within a state's border. We view much of this proposal as a positive step in collaborative land management and support its adoption with the one exception noted below. State input to each national forest's land use planning process through active collaboration will enhance land use planning beyond that implied by the rule, it will give the states an opportunity to insert their goals and land managing expertise into critical land use decisions...

While all of the above applies in a general sense to multiple land uses in roadless areas, the issue of access to federal lands for energy development is critical if energy supplies are to be developed in concert with increasing demand. Currently the Utah Department of Natural Resources (of which the Division of Oil, Gas and Mining is one of 8 DNR agencies) is a cooperating agency on many NEPA decisions in Utah. The new proposal of giving the Governor an opportunity to help in the prioritization of energy development alongside of other Utah land use issues is a logical nexus. Energy resources are uniquely located by geologic factors. Given the value these resources contribute to the quality of life in Utah, it is critical that state government be given a seat at the decision making table when development of these resources in roadless areas is under discussion. (State Agency, Salt Lake City, UT – 2288)

While Roadless Rules made at the State level is better than at the Federal, it would be much better if they were made at the forest level. Only the people who walk the forest and study what is happening there know what is best for that forest. (Individuals, Zenia, CA – 2349)

The Forest Service has just proposed a modification to the Roadless Rule that allows the governor of each state to petition for the establishment of roadless areas in National Forests within that state. This proposal is a good one and should be adopted. By allowing state governors to involve local communities and state officials in the petition process, the Forest Service will then know how each national forest should be managed according to its individual situation. In forests where there is a reason to demarcate roadless areas, the governor will have the chance to petition the Forest Service to designate them as such. Where the roadless designation is not warranted, the

governor can make that determination after consulting with local communities. This is how public lands management should work—with significant public participation. (Individual, Somerset, CA – 2805)

As Secretary of Agriculture Ann Veneman pointed out in her July 12 letter to Idaho Governor Dirk Kempthorne announcing the proposed rule, “State governments are important partners with the Department in the management of National Forest System lands,” and “the proposed rule offers a unique opportunity for us to work together in a constructive way to develop sound forest policy.” Simplot agrees that the proposed rule creates an opportunity for the sort of cooperative federalism between the federal and state governments and other stakeholders that was entirely missing from the previous Roadless Area Conservation Rule (“RACR”)...

The state petition process also is consistent with existing requirements for state and local involvement in developing management plans for inventoried roadless areas. The MUSYA specifically authorized the Department of Agriculture to cooperate with State and local governments in the management of national forests: In the effectuation of sections 528 to 531 of this title, the Secretary of Agriculture is authorized to cooperate with interested State and local government agencies and others in the development and management of national forests...

Although Oxbow has a few concerns regarding the implementation of the 2004 Roadless Area Protection Rule, Oxbow would like to commend the Forest Service for the cooperative model expressed in the proposed rule. Oxbow believes that the proposed rule is a significant improvement over the existing regulation because it provides the impacted states the opportunity to provide direct and meaningful input into management of vast sections of land within their respective jurisdictions. Given the vital role that federal lands have upon the economies of states such as Colorado, this opportunity is particularly crucial. Oxbow thus supports the general approach contained in the proposed rule. (Business, Somerset, CO – 19443)

Provides a process to assist Forest Service managers in integrating state and local priorities—as represented in the petitions—into already developed forest management plans. (Business, Somerset, CO – 19443)

#### **THE PROPOSED RULE IS NOT CONSISTENT WITH STATE AND LOCAL PLANNING PROCESSES**

Please support local collaborative processes. They’re messy and frustrating (so is the Forest Service), but it’s the best way. However, emphasis should be on roaded areas close to western communities, not roadless areas. Tell G.W. to get his priorities straight. (Individual, Whitefish, MT – 12218)

The states should have more input on this! (Individual, Congress, AZ – 35218)

#### **THE PROPOSED RULE IS NOT CONSISTENT WITH OTHER PLANNING PROCESSES**

The replacement of the Roadless Area Conservation Rule with an alternative proposal creates a new threat to the National Park System due to the proximity of Roadless Areas to national parks. As Secretary of the Interior, it is your responsibility to protect the national parks and uphold the mission of the National Park Service: to preserve the national parks unimpaired for future generations. Therefore, it is your duty—to your position and to the national parks—to comment on the alternative proposal, advocate for its withdrawal, and by every other means possible seek to assure that the protections set out in the Roadless Area Conservation Rule fully accrue to the national parks.

Harm to National Parks. The replacement of the Roadless Area Conservation Rule with an alternative proposal poses a significant threat to the National Park System. While the action technically pertains to 58.5 million acres of U.S. Forest Service lands, it poses a variety of threats to national parks because many of our national forests’ Roadless Areas—eighteen percent—border or are directly connected to national parks. Our survey of GIS maps of the National Park System and the Roadless Areas finds twenty three national parks, monuments and parkways in 16 states that border or are directly connected to Roadless areas. These 23 national parks and monuments

are among the most popular in the national park system. While they are only 18 percent of all park, monument and parkway units, they were visited by nearly 43 million in 2003, accounting for over 37 percent all visits to these types of units. With more than 7.5 million acres combined, they account for 15 percent of all the land found in national parks and monuments. (Individual, Albuquerque, NM – 1499)

What I really don't understand is why the Forest Service no longer has confidence in its basic organizational structure. The biggest problem with the Roadless Initiative was that it treated many separate local issues as one homogeneous national one. The whole idea behind having individual National Forests is challenged by that treatment. Does the Forest Service now plan to reorganize along state lines? I doubt it. Get rid of the Roadless Initiative entirely, and go back to letting individual Forest plans deal with individual forest Issues.

If there are problems with regional boundaries fix them rather than create another level of bureaucracy. Actually, I do understand it. We all know this was just a land grab by an outgoing administration. It's time to put the whole thing to rest. But I guess the politics have forced the current compromise. It is better. At least there will be some local control. Anti-access activist lawyers in San Francisco will now have to deal with each state rather than get it all in one fell swoop like they were trying to do. It is still wrong. The whole thing should be abandoned, and authority to deal with this and all issues returned to the individual Forests. (Individual, Franktown, CO – 19976)

## Public Involvement/Collaboration and Decision-Making Process

In the event a State-petitioning rule is adopted, it should state that public involvement efforts should be at least as comprehensive as that included in development of a Land and Resource Management Plan. (Organization, Roanoke, VA – 57793)

As a USFS employee who works at the National Forest level, I would like to encourage you to guide your decision on the proposed changes to the Roadless Rule, based on the direction you identified earlier in the "Four Threats to the Health of the Nation's Forests and Grasslands." My comments are listed as bullet statements...

- The news release states that the intent of the proposed rule changes is to, "Work with states, tribes, local communities and the public through a process that is fair, open and responsive to local input and information."
  - o This statement suggests that we don't do that now. I am proud of how well my unit conducts its public-involvement process, and resent this suggestion that we are not fulfilling this obligation...
- The news release states that the intent of the proposed rule changes is to provide "... locally supported rules for conserving roadless areas."
  - o Is the suggestion here that National Forests do not work closely with their communities? Take it from someone who works on EA's and EIS's on a daily basis; if used properly, the NEPA process gives the public plenty of opportunity to get involved in, and influence, our decisions. The agency should not give away its jurisdiction to local and state authorities. If so, we need to stop calling these public lands, "National Forests." (Individual, Durango, CO – 635)

### 14. Issue: The Forest Service's communication with agencies was *not* adequate.

An agency can reexamine and change existing rules, but a proposal to rescind a rule bears a higher burden of justification. In such a case, the U.S. Supreme Court has ruled that an agency must "supply a reasoned analysis for the change beyond that which may be required when an agency does not act in the first place." *Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Automobile Ins. Co.*, 463 U.S. 29,41 (1983). There was no such reasoned analysis for the Forest Service's complete turnaround in policy in this situation. The Forest Service provides no

explanation of why it is abandoning an overwhelmingly popular rule with an extensively documented ecological rationale and a clear fiscal purpose. (Organization, Lander, WY – 1914)

More fundamentally, the Agency offers no substantive explanation of why it is abandoning an overwhelmingly popularly supported rule with an extensively documented ecological rationale and a clearly articulated fiscal purpose. The Forest Service has similarly failed to explain the abandonment of its recently held view that “national-level direction” would ease, rather than exacerbate, public controversy regarding roadless-area management. A rational response to public controversy and litigation surrounding the Roadless Rule is not to jettison without explanation a Rule that was supported by ample documentation of resource need and by one million public commenters, but at most to propose (and justify) changes at the margins. The failure to do so renders the Forest Service’s actions arbitrary and capricious. (Elected Official, Oakland, CA – 2152)

Remember, if the public involvement process for the original Roadless Rule was insufficient and illegal, as held in *Wyoming v. USDA*, 277 F. Supp. 2d 1197 (D. Wy. 2003), then any public involvement effort that does not exceed what was done for the original Roadless Rule would be equally insufficient and illegal. (Organization, Coarsegold, CA – 2224)

**15. Issue: The Forest Service’s timeframe for comment was adequate.**

Thank you for extending the deadline on comments for the Roadless Area Management State Petition Proposal. This extension will allow even more Americans to comment positively on the existing Roadless Rule and also prevent the Forest Service from opening up these Roadless Areas to destructive practices. Please accept this letter as official public comment for the roadless area management state petition proposal. (Individual, Santa Fe, NM – 9401)

**16. Issue: The Forest Service’s timeframe for comment was *not* adequate.**

The Agency has Failed to Provide Sufficient Public Notice and Opportunity to Comment on this Proposal. In contrast, the Bush Administration here has not issued any scientific analysis justifying a change in the rule, has not issued a new Environmental Impact Statement justifying these changes, and has not held one public hearing. The administration has clearly failed to take the “hard look” required by the NEPA. The Bush Administration is only giving the public 60 days to comment on the decision to repeal the rule before it becomes final and has ignored the over 2.5 million comments advocating for strong roadless protection. (Organization, Charlottesville, VA – 19437)

Extend comment period. To repeal the roadless rule is a huge policy change that requires plenty of time for considered public involvement. We urge the Forest Service to extend the comment period to allow more time for public comment. (Organization, Eugene, OR – 1512)

We urge you to extend the public comment period by at least forty-five days in order to give our State’s citizens and agencies adequate time to review the proposal and submit comments. Since the timing of the public comment period occurred during the summer months when many families and individuals are away on vacation, we believe extending the comment period will enable citizens who are concerned with the Roadless Rule to have a better opportunity to provide you with substantive comments on the current proposal. We also believe extending the comment period will give our State agencies adequate opportunity to evaluate the potential legal, fiscal, administrative, and on-the-ground impacts of replacing the Roadless Rule with the proposed State petition process. (Elected Official, Salem, OR – 2221)

Based upon the relative lack of information in the proposed rule and the failure to consult in advance of the release of the proposed rule, the Tribe requests a 60-day extension of the comment period to fully analyze the rule and to engage in consultation with your agency to discuss its impacts on the treaty and trust resources (including fish, wildlife, cultural resources, and plants) of the Nez Perce Tribe dependent on roadless areas in Idaho, Washington, and Oregon. (Tribal Government, Lapwai, ID – 2289)



**17. Issue: The Forest Service's availability of forums (e.g., meetings) for public comment was adequate.**

We appreciate your receiving our opinions and values. We appreciate and thank the Forest Service for their part in standing tall and doing what is right for future generations to enjoy and use and learn from these precious national forest under attack. (Individuals, No Address – 36728)

**18. Issue: The Forest Service's availability of forums (e.g., meetings) for public comment was *not* adequate.**

Provide for at least 600 hearings nationwide. The proposal to establish the Roadless rule generated a great deal of public support and over 600 hearings were held all across the country. Repealing the rule must be done with a similar level of public involvement. (Organization, Eugene, OR – 1512)

The Agency has Failed to Provide Sufficient Public Notice and Opportunity to Comment on this Proposal. The Administration claims that the reason they are making changes to the Roadless Rule is that the process used to establish the Rule under the Clinton Administration was unfair to States and local governments, the comment period was not sufficient, and that it was a last minute process...In contrast, the Bush Administration here has not issued any scientific analysis justifying a change in the rule, has not issued a new Environmental Impact Statement justifying these changes, and has not held one public hearing. The Bush Administration is only giving the public 60 days to comment on the decision to repeal the rule before it becomes final and has completely ignored the over 2.5 million comments advocating for strong roadless protection. (Organization, Coarsegold, CA – 2224)

The Bush administration has not issued any scientific analysis that justifies a change in the 2001 Roadless Rule, and has not held one public hearing. The Bush administration is ignoring American sentiment, public participation and citizen involvement. (Organization, Washington, DC – 2226)

In contrast to the extensive analysis and opportunity for public comment provided by the Clinton Administration concerning the original rule, the Bush Administration has held no public hearings and done no scientific analysis on the effects of their proposed "state petition" process. If the original roadless process was inadequate, how can this current, very limited process possibly be adequate, fair, or even legal? (Individual, Marenisco, MI – 9195)

**19. Issue: The Forest Service's range of alternatives for new rule was *not* adequate.**

The Forest Service cannot rely on the November 2000 Roadless Area EIS for several reasons:1. The Forest Service cannot rely on the 200 FEIS because none of the fully developed alternatives that were considered in the November 2000 FEIS are similar to the current proposal, because under this new proposal the governors can petition to relax as well as increase protection for Roadless areas as described in existing forest plans. None of the alternatives in the Roadless rule FEIS (including no action) described the effects of potentially diminished protection for Roadless areas. Page 2-17 of the 2000 FEIS indicates that the Forest Service rejected and did not fully describe or consider an EIS alternative that would have made all roadless areas fully available for development, yet this is effectively what the Bush admin has proposed in the current proposal that allows governors to petition to open up roadless areas for development (that can go beyond what is currently allowed in the LRMPs). Such an alternative has not been subjected to full NEPA analysis. (Organization, Eugene, OR – 1512)

The [Federal Register] notice fails to analyze or even mention any alternatives to the proposed Rule repeal and state petition process. Yet, over the past three years the Bush administration has at various times suggested much less extreme ways of addressing opponents' concerns about the Rule. For example, in May 2001 USDA Secretary Veneman announced, "our proposed approach will maintain the protections of the current roadless rule while addressing the reasonable concerns

about the rule.” (Remarks of May 4, 2001, emphasis added). Thus, an optional course of action would have been to retain the Roadless Rule and either amend it or interpret it where appropriate to address concerns. For example, one alternative would have been to retain the Rule while amending it to establish a formal, public process for accurately determining and possibly modifying roadless area boundaries. This would have been a very logical way to address a concern identified by the USDA in May 2001 that “the rule designated more than 2.5 million acres of land as roadless that actually have roads.” (USDA News Release No. 0075.01, May 4, 2001 .) Another alternative would have been to issue an interpretative rule to clarify that the Roadless Rule does not affect rights of access to non-federal property located within roadless areas. Again, this would have been a logical way to fulfill the Administration’s desire to “ensure that states, tribes, and private citizens who own property within roadless areas have access to their property as required by existing law.” (Id.) (Organization, Washington, DC – 39996)

**20. Issue: The Forest Service’s decision-making process was characterized by trust and integrity.**

I do honestly trust in unbiased, dedicated service which Forest Service employees continue to provide. (Individual, Santa Cruz, CA – 70549)

**21. Issue: The Forest Service’s decision-making process was *not* characterized by trust and integrity.**

These are federal lands and belong as much to New Yorkers or Floridians as they do Montanans. Effectively handing them over to locals to deal with as they wish is more than a betrayal of national trust and the forest service’s solemn duty to protect our forests; it amounts to virtual theft. (Individual, Columbia, MO – 868)

These changes [to the Roadless Conservation Rule] violate the public trust by circumventing three years of intense analysis and public comment, the desire of the public to preserve the last of our National Forest System’s pristine areas, and would give us instead the purposeful degradation of those same areas. (Organization, Mesa, AZ – 1505)

Please note that three years ago, on May 4, 2001, the Administration made a public promise to “uphold” the Roadless Area Conservation Rule to protect the last remaining wild areas of the National Forests. Talk about flip-flop! (Organization, Oak Ridge, TN – 1973)

We are deeply disturbed by your administration’s recent decision to repeal the widely popular Roadless Area Conservation Rule. The proposal that Secretary Veneman announced on July 12th breaks a promise she made on May 4, 2001, when she said, “We’re here today to announce the department’s decision to uphold the Roadless Area Conservation Rule.” Moreover, it goes against the wishes of the 2.5 million public comments the Forest Service has received in support of the rule. (Elected Officials (Members of Congress), Washington, DC – 2023)

Although the Bush Administration’s public statements have repeatedly professed support for the Roadless Rule, in fact it has worked covertly to defeat and weaken the rule. Following are some examples of the Administration’s contradictory statements and actions. Statement: Attorney General John Ashcroft promised, at his Senate confirmation hearing on January 17, 2001, that he would “support and enforce” the Roadless Rule. Actions: An investigative report by the Senate Committee on Governmental Affairs (Rewriting the Rules, Oct. 24, 2002) found evidence that the Bush Administration secretly worked to subvert the Roadless Rule: “The documents reviewed contained proposals and option papers discussing tactically how to achieve the desired result—an overturning of the rule as written.” In particular, the committee uncovered the Administration’s “apparent strategy of using the [Idaho] court case to undermine the rule.” (Organization, Washington, DC – 2226)

This 2001 Federal Register notice also notes that the management of IRAs is a major point of conflict, which is fiscally costly and strains agency relationships with “communities of place and communities of interest. Based on these factors, the agency decided that the best means to reduce

this conflict is through a national level rule [emphasis-added](p.3246).” The facial argument can be made that the Forest Service is making the ultimate decision on IRA management, but this decision rests on guidelines set by individual states, which runs counter to the need, as recognized by your agency, for a national rule. The proposed rule is clearly a means for the Service to skirt its responsibility to uphold the roadless area protection demanded by the public, giving state governors and the agency the choice to opt out of meaningful roadless area protection. This is both irresponsible and unacceptable. (Organization, Eugene, OR – 3201)

**22. Issue: States possess the resources or scientific knowledge to compose petitions.**

State input to each national forest’s land use planning process through active collaboration will enhance land use planning beyond that implied by the rule, it will give the states an opportunity to insert their goals and land managing expertise into critical land use decisions...Collaboration with the states through the petition process will ensure that the states and the Forest Service are in agreement on the nature, purpose and duration of mechanized activity before the activity is initiated. States can support FS in ensuring that the activities are appropriately regulated, appropriate land managing and rehabilitation techniques are employed, and forest health is ensured. (State Agency, Salt Lake City, UT – 2288)

**23. Issue: States do not possess the resources or scientific knowledge to compose petitions.**

It greatly concerns me that you would turn over much of the control of these National Forest Roadless areas to state governors. These men have no training and are not educated in the intricacies of maintaining an environmental balance that is necessary for the health and longevity of our forests and the creatures that depend upon them. (Individuals, Bellvue, CO – 2461)

Protecting the lands within the National Forests is supposed to be the job of the Forest Service not the job of state governors who simply don’t have the staff or expertise. The substitute policy announced by the Administration is entirely unworkable and they know it. Few, if any, Governors are going to spend their limited resources and political capital asking the Forest Service to protect these remaining wild areas when they know at the end of this new process Mark Rey, a former timber industry lobbyist, gets to make the final decision on their request. (Organization, Johnson City, TN – 1489)

The State would have to make a “commitment” to participate as a “cooperating agency” in any environmental analysis of the subsequent state-specific rulemaking. This means that the State could be required to allocate agency personnel, funds, equipment, and other resources to assist the Forest Service in preparing environmental documents required by NEPA. Protecting the lands within the National Forest is supposed to be the job of the Forest Service not the job state governors who simply don’t have the staff or expertise. And there is no guarantee that the hard work put into this effort would ever be fully considered or put to use by the Forest Service. (Organization, Roanoke, VA – 2176)

It greatly concerns me that you would turn over much of the control of these National Forest Roadless areas to state governors. These men have no training and are not educated in the intricacies of maintaining an environmental balance that is necessary for the health and longevity of our forests and the creatures that depend upon them. (Individuals, Bellvue, CO – 2461)

Again, this is not the appropriate role of the state, let alone the state governor’s office. The governor’s office is not equipped to provide forest management standards to the Forest Service, especially in reference to management’s effect on wildlife and the aquatic environment. The Forest Service is best equipped to make federal land management decisions because it is structured and staffed to do so, particularly in its conservation capacity. The state is not. (Organization, Eugene, OR – 3201)

Most States would not have the financial resources to do the necessary analysis to prepare a petition that would make an adequate case for revising the direction in a Forest Plan. Governors lack the manpower within State agencies to do the research and planning necessary to prepare a petition that would make a persuasive case for revising existing management direction for roadless areas. The proposal also makes clear that States would be expected to bear the burden for the environmental analysis connected with rule making. (Organization, Roanoke, VA – 57793)

While the federal forests belong to all Americans, the State of Oregon would like a larger role in national forest planning for the 16 million acres of national forest land located within our borders. Greater state involvement in forest planning, including federal forest land use allocation, can help federal land managers to better understand the potential environmental, economic, and community effects of proposed management actions...Asking Oregon to create yet another planning process for federal lands without any real management responsibility or budget control is simply an unproductive use of the state's time, energy and resources. Ultimately, the appropriate forum for that debate is the U.S. Congress. In support of the critical changes that need to be evaluated by Congress, I believe that the State of Oregon should be articulating a much clearer vision of how federal lands fit within the sustainability of our forested landscape and then work with our delegation to realize that vision. This I believe will be a much more productive use of our energies, rather than allowing issues to be resolved by piecemeal administrative rulemaking susceptible to changes in White House administrations. (Elected Official, Salem, OR – 2025)

## Natural Resource Management

Adding any roads in this time of continuing drought would not be in the present or future interest of the people of the United States. Roads would add to desertification, worsen the drought, endanger wildlife, add to erosion, eliminate species, add to costs of protection and supervision, make homeland security (in forests) more difficult, cost the taxpayers for the “benefit” of a very few, and destroy much of our National Heritage that GENERATIONS of AMERICANS have worked DECADES to protect. This proposal is morally, economically and scientifically indefensible. (Individuals, Indian Springs, NV – 75804)

### **24. Issue: The Forest Service's approach to managing roadless areas should emphasize environmental management and exclusion of roads from roadless areas.**

The Roadless Rule is a balanced policy that protects the last third of our national forests from most logging and road construction while allowing new roads in order to fight fires and ensure public safety and allowing brush clearing to protect forest health. The rule ensures that our national forests will continue to provide clean drinking water for millions of Americans, wildlife habitat, endless recreational opportunities, and other important ecological values. (Elected Officials (Members of Congress), Washington, DC – 2023)

These national forests are public lands, owned by the American people, owned by my constituents. These national forests provide important amenities to the nation, ranging from vital habitat for fish and wildlife, trees to clean drinking water and recreational opportunities. All of these values are important. The key is balance. The Roadless Area Conservation Rule does not affect Forest Service lands that already allow logging; it only protects the last 31% of these lands for other values. (Elected Official, Spokane, WA – 2212)

I remind you of your agency's original rationale for promulgating a national roadless area rule. In section entitled “National Direction vs. Local Decision making,” the Federal Register notice on the final rule reads: Local land management planning efforts may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape. If management decisions for these areas were made on a case-by-case basis at a forest or regional level, inventoried roadless areas and their ecological characteristics and social values could be incrementally reduced through road construction and certain forms of timber harvest. Added together, the nation-wide results of these reductions could be a substantial

loss of quality and quantity of roadless area values and characteristics over time (Federal Register, Vol. 66, No. 9, 1/12/2001, P.3246). This rationale holds true today, clearly undermining the legitimacy and reasoning behind the state petitioning process currently proposed. (Organization, Eugene, OR – 3201)

Preservation of National Forest Areas benefits the global environmental situation. (Individual, Cazadero, CA – 7194)

While federal lands are the nation's best hope for maintaining relatively intact ecosystems, the extensive roads network on public lands already exceeds 400,000 miles, enough to circumnavigate the globe more than 16 times. This extensive road network has come at substantial ecological costs, including: (1) increased erosion, air and water pollution; (2) spread of invasive exotics; (3) significant road mortality and avoidance by wildlife; and (4) habitat fragmentation. Such impacts extend out to a quarter of a mile on either side of a road creating a "road-effect zone" that includes nearly one-fifth of the total surface area of the nation. Significant road-related habitat fragmentation has been documented for every region of the conterminous United States and portions of Alaska. (Organization, Charlottesville, VA – 43130)

Current roadless areas should be protected and more created with permanent road closures. (Individual, Deer, AR – 5733)

The Forest Service and the Bush administration should do all they can to protect our last remaining roadless areas and connect them by large scale road obliteration. (Individual, Jacksonville, OR – 30180)

**BECAUSE THIS APPROACH WOULD PREVENT ALTERATION OF EXISTING TERRAIN AND COVER (E.G., TIMBER MANAGEMENT, MINING, OIL AND GAS DEVELOPMENT, GRAZING, WATER DIVERSIONS, ROAD BUILDING)**

I am not a current Wyoming resident but lived there twice in the past, the first time in the late 1970s. I was a drilling mud salesman until I took a cut in pay to work as an environmental chemist. I saw first hand what this type of development does to a landscape and the ecosystems it supports. And don't give me the argument that it now can be done with little environmental damage. We both know that just isn't true. (Individual, Canterbury, CT – 1189)

We oppose hardrock mining, oil and gas drilling, and other mineral development in Roadless areas. Mining has the potential to impact all of the ecological and amenity values of Roadless areas - from water quality to solitude. Mining access roads are as destructive as logging roads and are often driven deep into the most remote Roadless area watersheds. Mine sites become permanent scars on the land. While the proposed road construction ban would effectively curtail at least some new oil and gas drilling, it would not limit hardrock mining conducted under the General Mining Law of 1872. We urge the Forest Service to utilize its full legal regulatory authority to protect Roadless areas from mining. Prospecting and mining of common variety materials in Roadless areas is not justified and must be stopped in order to protect Roadless values. Areas that are threatened by mining should be segregated and withdrawn from mineral development, pursuant to Section 204 of the Federal Lands Policy and Management Act. In addition, the final rule should require Forest Service managers to conduct surface-use and valid existing rights determinations prior to any mining activity in Roadless areas. (Organization, Eugene, OR – 1512)

There should be no extractive uses and other uses that require felling of trees and/or earthmoving (all forms of logging, mineral development, grazing, special use towers and facilities, logging landings, cable/skyline logging facilities, helicopter pads, fire lines built for/by tracked vehicles, etc.) in roadless areas... (Organization, Roanoke, VA – 2176)

Less than .0025—or one quarter of one percent—of the nation's timber supply is located in roadless areas. (Organization, Washington, DC – 2226)

Based on our experience as private forest-land owners and participants for 31 years in the American Tree Farm System, we feel very strongly that the last areas of roadless, unlogged forests in Idaho, Oregon, Washington and Montana should be preserved as they are and spared the

destruction we have seen first hand from timber harvests on our own property. These lands should not be degraded for the sake of providing timber. There are many private landowners, like us, who want to stay in the business of selling timber. Our livelihood as a family tree farm is being threatened by opening up large public land tracts for timber sales. We value the remaining roadless areas more as wilderness and wild lands...Logging destroys habitat, soils, watersheds, causes erosion and threatens the health of streams. Logging also brings weed invasion. After each of 4 timber sales on our property, invasive weeds got a foothold on the bull-dozer-disturbed land (a sad example of how bad weed invasion can get is the yellow star thistle invasion of central Idaho). Our last remaining roadless areas should not be degraded by all the negative effects that accompany logging, road building, mining and drilling. (Individuals, Viola, ID – 4229)

These “Roadless Areas” tend to be remote, on steep land, and at the head of watersheds. The reason for this is that all the big timber in the lower, flatter parts of the valleys was more profitable and was cut first. The very reason why these areas are still roadless is exactly why they should remain so. Regrowth after logging on steep slopes is very slow or unlikely at all. (Individual, Seattle, WA – 9117)

Our nation’s forests are too precious to open to logging when other building materials are available. Forests are complex ecosystems necessary for all of our survival, not just a source for non-renewable resources. We are being short-sighted by trying to justify building and logging that will not provide all our needs anyways as the U.S. population grows. (Individual, Kirkland, WA – 33215)

Utilize only the tree plantations you already have within “my” National Forest for wood products, not a single acre more! Encourage the plantation planting of fast growing trees such as Poplar (*Populus* sp.) for supplying materials to the pulp wood industry, not large “old growth” trees. (Individual, Cartersville, GA – 48416)

Obviously, some people see pristine natural areas as safeguards of clean air and moisture that wind distributes across our whole land, as places to visit to refresh one’s body, mind and spirit, and, as watersheds that protect dry areas from complete desertification. Others see none of this, or have forgotten to see it because they have such beautiful places in personal ownerships and fail to appreciate it elsewhere. But it is important to love nature as is and not to exploit it—so little of it is left! (Individual, Long Beach, CA – 48836)

**BECAUSE THIS APPROACH WOULD PREVENT LOSS OF NATURAL/PRISTINE/WILD LAND CHARACTER, INCLUDING OLD-GROWTH FORESTS**

Our roadless and wilderness areas are the only biological and ecological reservoirs that have not been disturbed by human development. As such they are a priceless database of scientific information that represents what natural forces will do. (Individuals, Stevensville MT – 1110)

I cannot adequately express my joy when I find a pocket of huge trees that are so old that their bark is scarred from ancient fires that burned the forest around 600 years ago, when those trees were old enough that their thick bark my children and grandchildren protected them from the fire while the younger trees were destroyed. Too many of these magnificent trees are being cut down. Every one that is left should be designated a national treasure and protected and preserved. There are so few left. (Individual, Umpqua, OR – 1196)

That damage is being exacted on these fire resistant ecological strongholds is especially disturbing. Roder Sedjo of Resources for the Future explains, “Damage to old-growth and other unique forests, which are often highly prized for their preservation values, can be considered more serious than damage to either second-growth or plantation forests.” Roadless areas protect our nation’s remaining forests and it would be in America’s best interest that this protection continues. (Individual, Annandale NY – 1325)

All the Forest Service’s off-budget accounts encourage the Forest Service to generate income that they can skim money from to fill the slush funds. Generating income requires big trees, precisely the trees that must be retained in the ecosystem to protect the values of the Roadless areas. Helicopter logging and cable logging, since they are expensive than ground-based logging, also

tend to reward timber sale planners for taking the big trees and leaving the smaller trees, which is precisely the opposite of what stewardship of our forest currently requires. (Organization, Eugene, OR – 1512)

Roadless areas are U.S. Forest Service lands that should be managed for multi-use purposes...If the timber is mature...if the trees are diseased with blister rust or bark beetles and trees are dying... if the forest has had fires and there are salvageable trees...The forest should be logged with methods that are appropriate for the terrain and future environmental considerations. This means that roads need to be constructed to effectively “extract” these logs...The roads do not necessarily have to remain open to the general public or remain intact. (Individual, No Address – 3308)

These roadless areas are needed as wild and natural areas as a base line comparative to management practices in other forest areas. (Individual, Highlands, NC – 32609)

I feel this way not only because I wish to preserve the aesthetics and the mental escape that “green spaces” or wilderness provides for myself and posterity—but in terms of global climate change, in terms of disrupting ancient, arctotertiary geoflora, complex and highly evolved ecosystems. (Individual, Davis, CA – 80636)

We are down to a fight over a small fraction of the total land within National Forests. Most of the land has roads, and has been, or will be harvested and managed for timber production. Some land has been preserved as wilderness, but it is the minority. The remaining roadless land is but a small amount, and will serve as a buffer to future needs. Some may need to be managed for timber production in the more distant future, but not right now. The timber industry doesn’t need more federal timber, it needs decent prices for the timber on existing timber land. These decent prices will only come with an improved economy, which seems to need a balanced federal budget. This is where efforts to help the timber industry should be placed, not in using up the last reserve of old-growth forest in ways that won’t benefit the federal treasury significantly. (Individual, Port Angeles, WA – 57104)

The people in the county want to keep what little land we have for natural wildlife, clear water and living forests for posterity. A cleared forest replanted is not a forest. It’s a tree farm. Please do not confuse the two. A forest is a varied habitat. (Individual, Vancouver, WA – 42315)

The United States had already cut down 90% of its virgin forests, why do we need more. I believe Canada’s replanting program is the way. (Individual, No Address – 73681)

**BECAUSE THIS APPROACH WOULD PREVENT BIOLOGICAL IMPACTS (E.G., IMPACTS TO PLANTS, WILDLIFE, AND FISH; HABITAT DEGRADATION OR FRAGMENTATION; REDUCED SPECIES DIVERSITY, LOSS OF ECOLOGICAL BASELINE)**

The more roads that are built the greater the loss of habitat. This results in almost a geometric loss of wild land per unit of road built. More jeep roads, trails for off-road vehicles, human-made tracking trails are not what this great country needs. You are bowing to motorized-recreation/fossil-fuel-burning/big-box-commercial-center interests rather than to your first priority, healthy forests. (Individual, Greeley, CO – 1336)

The FEIS Roadless Area Conservation FEIS -- Specialist Report for Terrestrial and Aquatic Habitats and Species prepared by Seona Brown and Ron Archuleta, EIS Team Biologists admits the following adverse impacts on threatened and endangered species:

- Potential Effects of Roads:
  - o Habitat loss
  - o Habitat fragmentation and loss of connectivity
  - o Adverse edge effects
  - o Displacement and avoidance behavior
  - o Access for poaching and illegal collection
  - o Increased potential for chronic negative interactions with humans
  - o Direct mortality from vehicles and recreational shooting
  - o Harassment and disturbance
  - o Dispersal and movement barriers for some species

- o Lethal toxicity
- o Introduction and spread of nonnative invasive species and diseases
- o Increases sediment loads in streams
- o Adverse changes in watershed hydrology and stream flows
- o Alterations of stream channel morphology
- o Degradation of water quality, including increasing chance of chemical pollution.
- o Alteration of water temperature regimes
- Potential Effects of Timber Harvest:
  - o Habitat loss, fragmentation, and negative edge effects.
  - o Habitat loss of snags and down logs
  - o Degradation of rare and unique communities such as those found in talus slopes, cliffs, caves, and wetlands
  - o Disruption of dispersal and species migration
  - o Lowered success in reproduction and rearing of young
  - o Increased levels of physiological stress for some species
  - o Introduction and spread of nonnative invasive species
  - o Changes in streamflow and the timing or magnitude of runoff events
  - o Loss of stream bank stability
  - o Increases in sediment supply and sediment storage in channels
  - o Degradation of water quality
  - o Altered energy relationships involving water temperature, snowmelt and freezing
  - o Loss of habitat complexity
  - o Alterations in riparian composition and function. (Organization, Eugene, OR – 1512)

Opening up roadless areas for development would have a tremendous impact on water quality, native fisheries and other aquatic lifeforms. The remaining populations of native cutthroat from Montana to New Mexico occur on Forest Service lands and about 85% are located in roadless and wilderness areas. Many of these remaining populations are not viable and opening up our remaining roadless areas to recreational or industrial impacts would accelerate species decline and hasten listing under the Endangered Species Act (Organization, Bozeman, MT – 1684)

Overall, roadless areas provide large blocks of habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, or sensitive species of plants and animals. Many roadless areas function as biological strongholds and refuges for a number of species and they play a key role in maintaining native plant and animal communities and biological diversity. Without the remaining roadless areas as a stronghold for intact wildlife habitat, we will almost certainly see many of our valued fish and wildlife numbers decline and some will eventually disappear. (Organization, Oregon, Washington, Idaho, Nevada, and California – 2167)

You should consider the unique functions of roadless areas as refugia for solitude-dependent wildlife and at-risk fisheries, reservoirs of undisturbed genetic material, connecting corridors within an increasingly fragmented landscape and natural “control” areas for experimental “management” and scientific research. (Organization, Roanoke, VA – 2176)

The roadless rule is critical to preserving the best hunting and fishing areas. 83 percent of Oregon’s bull trout spawning and rearing habitat is found in roadless areas. In Idaho, roadless lands account for 88 percent of the units yielding more than 90 percent branch bull elk hunting success. In a recent newspaper column, Jim Martin, former Oregon chief of fisheries, wrote: “...our best habitat, our cleanest water, and therefore our best opportunities for hunting and fishing exist because of our roadless areas on our National Forests and Bureau of Land Management-controlled lands.” (Organization, Washington, DC – 2226)

Roadless areas only make up a small percentage of national forest lands and yet, because of their undisturbed nature, they play a disproportionately large role in the conservation of rare and at-risk species and their habitats. (Organization, Eugene, OR 3201)

Many untold treasures, like the wonder-drug (for cancer) Taxol, await our discovery in the Native forests contained in roadless areas. (Individual, Portland, OR – 7460)



In general, roadless areas perform many ecosystem services often diminished by road building and associated uses, including: (1) relatively high levels of intact old-growth forests; (2) essential habitat for species of conservation concern (including threatened ones); (3) broad array of habitat types; (4) “buffer areas” from exotic species invasions and edge effects; (5) critical winter range for ungulates; (6) refugia for road-sensitive species such as grizzly bears and wolves; (7) landscape and regional connectivity; and (8) strongholds for salmonids and other aquatic species. The inclusion of roadless areas in the nation’s network of protected areas is vital in contributing to fundamental tenets of conservation biology related to ecological representation and wildlife population viability that have implications to the federal lands conservation, sustainable management, and compliance with the National Forest Management Act. (Organization, Charlottesville, VA – 43130)

Some of these roadless areas contain meadows and savannas which are important for pollination. By fragmenting these areas they will not be able to provide the service of pollination as well because insects and the wind will have to carry the pollen over larger areas which will not be as affective since many organisms do not travel over large areas. Since these services are often things that we cannot do for ourselves, I think that the service values outweigh the goods values in the long run. These roadless areas hold immeasurable amounts of information. These values are often scientific in nature. These areas are prime candidates for many scientific studies because they are fairly intact. Intact areas may be some of the last places where organisms that need continuous areas of fairly intact ecosystems may be able to exist (such as grizzly bears and wolves). Also, once these species are gone then their genetic information will be gone with them and the information of how species have evolved and are related will be difficult to determine...All of the above values of these areas have been human centered. However there are the intrinsic values of these areas to consider as well. These are the values which would be there even if humans did not exist. For example, there is value in the fish in a river to the fish themselves. Their own existence is valuable to themselves and to other organisms. (Individual, No Address – 77034)

Also I’m focusing on them because of a rising conservation strategy called the big predator focus. You concentrate efforts on predators which need large amount of resources and land; and you protect everything else that lives in that environment. Not building roads protect grizzlies and large carnivores but also safeguards environmentally sensitive ecosystems and everything else that lives in that environment. Please keep this information in mind. (Individual, Gainesville, FL – 79361)

There are many negative impacts on the environment. Aside from the obvious shrinking of biodiversity, deforestation causes high levels of soil runoff. This contaminates rivers, killing fish and other wildlife. Secondly, runoff often makes it to the ocean, where it impacts coral reefs very negatively. To date, over 25% of the reefs in the world are gone. This is very significant because if something is not done, the destruction of these reefs will result in a catastrophic loss of life in the oceans. This will not only be “unfortunate” from a biodiversity standpoint, but it will also result in major negative economic impacts on the fishing industry. (Individual, No Address – 82485)

The “background” mentions the requirement for “access and active management activities to restore or maintain habitat conditions for the management of some fish and wildlife species.” Road access is not required for a large variety of fish and game management activities; the California Department of Fish and Game has carried out many management projects in unroaded areas, even construction of dams, with supplies hauled in by packtrains or helicopters. Implying that road access is needed for conservation of roadless area values is reminiscent of “destroying the village in order to save it.” (Individual, Sacramento, CA – 2047)

**BECAUSE THIS APPROACH WOULD PREVENT WATERSHED IMPACTS (E.G., REDUCED WATER QUALITY, INCREASED RUNOFF, EROSION AND SEDIMENTATION, SOIL COMPACTION, IMPAIRED WATERSHED FUNCTION, LOSS OF STREAM CHANNEL STABILITY, DIMINISHED RIPARIAN SYSTEM HEALTH/FUNCTION)**

The repeal of the roadless rule will significantly impact the riparian areas located within the inventoried roadless areas. These waters will be subjected to increased sedimentation, loss of

spawning areas, loss of sensitive fish species, such as the bull trout and the introduction of pollutants. (Organization, Washington, DC – 1460)

Protection of Roadless areas will greatly benefit:

- Water Resources: higher levels of water quality, greater likelihood of compliance with state water quality standards, consistent quantity delivery, runoff timing that maintains base flows, reducing flood peaks, and lowering water filtration costs for local communities;
- Soil Resources: maintenance of soil loss/sedimentation rates within normal range resulting in continued levels of soil quality and productivity, and reduced erosion;(Organization, Eugene, OR – 1512)

It is an undisputed fact that Roadless areas provide some of the highest quality water that flows from the national forests (or any watershed for that matter). With the passage of amendments to the Safe Drinking Water Act a few years ago, everyone should now recognize how important it is to protect the SOURCES of our drinking water. “What we do to our watersheds, we do to ourselves.” We aren’t drinking fresh fallen rainwater. We drink the water after it has run off our watersheds and the water picks up the results of whatever we do to our watersheds, whether it’s soil erosion from disturbance caused by logging and roads, spilled (or dumped) oil from logging equipment oil changes, etc. Even in cities with extensive treatment systems, the cleaner the raw water coming into the treatment plant, the less chemicals have to be added to treat the water. Protection of Roadless areas is obviously essential to ensuring the purity of our water and protection of our children’s health. (Organization, Eugene, OR – 1512)

In Wyoming, 91 public water supplies are cleaner and in need of less costly treatment because the water originates in roadless areas. (Organization, Lander, WY – 1914)

Roads and their associated construction can have numerous deleterious effects on trout stream habitats and resident populations. These projects increase soil surface erosion within watersheds and increase the potential for landslides on steeper gradients. Consequent erosion leads to higher sedimentation and elevated levels of suspended solids within affected streams. Streambed substrate changes ultimately degenerate macroinvertebrate communities (the main food source for trout) and limit trout recruitment capabilities by suffocating developing eggs and larva. Suspended sediments have also been shown to impair gill function. Other documented road-related effects include stream temperature increases, changes in peak flow timing and magnitude, and overall riparian habitat degradation. (Organization, Boulder, CO – 1915)

Preserving roadless areas is essential to protect sources of clean drinking water. Sixty million Americans get their drinking water from our national forests. The Forest Service has found that road construction and timber harvest can result in “measurable reductions in water quality,”<sup>11</sup>. USDA Forest Service, Roadless Area Conservation FEIS, Volume 1. November 2000. Page 3-49. (Organization, Washington, DC – 2226)

When you cut roads through the wilderness you also cut through the slow moving underground aquifers. These massive earthen “sponges” store and slowly release water into streams gradually releasing the stored water for months after the rains have stopped and the snows have melted.

A road built to cut timber also cuts through these “sponges” immediately draining the stored water down drainage ditches and culverts, carefully engineered to protect the integrity of the road, and into the streams. When it rains, the rain that would be normally contained in these “sponges” is loosed to flood the streams resulting in uprooting valuable timber, flooding highways, causing landslides and diminishing the run-off during the late spring and summer needed to irrigate fields and replenish drinking water for livestock and, yes, rural people like me who rely on wells for their household water. This is not to mention the wildlife and fish that play an important part in our economy and recreation. (Individual, Dillard, OR – 77270)

**BECAUSE THIS APPROACH WOULD PREVENT CHANGE TO NATURAL FIRE REGIME (E.G., DIMINISHED FIRE RESILIENCY, INCREASED FUELS, INCREASED FIRE INTENSITY).**

Increased logging operations and road construction will increase the risk and severity of large fires in previously unroaded areas. (Organization, Washington, DC – 2226)

The 2001 Roadless Area Conservation Rule adequately provides for the management practices needed to address wildfire and other forest health concerns. Less than 2% of the inventoried roadless area are at risk, according to the Forest Service, of the combined risk of insects, disease, and fire. At least 98% of wildfires have been controlled in inventoried roadless areas without constructing new roads. (Organization, Eugene, OR – 3201)

The 2001 Rule already allows road construction to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event, that without intervention would cause loss of life or property. It also allows removal of small diameter timber to improve threatened, endangered and sensitive species habitat and to maintain or restore ecosystem composition and structure such as to reduce the risk of uncharacteristic wildfire. The 2001 Rule also allows access to private, state and tribal lands that may lie within or beyond roadless areas. (State Agency, Santa Fe, NM – 3481)

According to the Forest Service:

- The number of large fires are dramatically higher in areas that are already roaded than in inventoried roadless areas.
- Human-caused wildland fire is nearly five times more likely to occur on essentially roaded lands than on essentially unroaded lands.
- According to independent scientists: Based on an objective study over 15 years, large wildfires are more likely to occur and to burn to greater extents in areas outside of roadless areas. (Organization, Missoula, MT – 2153)

**BECAUSE THIS APPROACH WOULD PREVENT INCREASED FIRE IGNITIONS**

Increased logging operations and road construction will increase the risk and severity of large fires in previously unroaded areas. (Organization, Washington, DC – 2226)

According to the Forest Service:

- The number of large fires are dramatically higher in areas that are already roaded than in inventoried roadless areas.
- Human-caused wildland fire is nearly five times more likely to occur on essentially roaded lands than on essentially unroaded lands.
- According to independent scientists: Based on an objective study over 15 years, large wildfires are more likely to occur and to burn to greater extents in areas outside of roadless areas. (Organization, Missoula, MT – 2153)

Another related point for me as a Wildland Firefighter, is that the Bush announcement that major cutting must be done to reduce fire danger in national forests is an excuse to go after wood, not an effective fire-management strategy. If you want to see fewer homes and businesses in ashes, look to the wildland interface zones, not the deep wildernesses. A fire that rages in wilderness can be managed in an interface zone if every community works with fuel reduction and selective controlled burns. (Individual, Vassalboro, ME – 1369)

The State Petition Policy Has Adverse Effects on Forest Fire Prevention. Extra logging will create more tinder for forest fires. But old trees are more fire-resistant than younger ones. On the other hand, controlled burns (mimicking nature's previous forest regimes), together with thinning, clearing out tinder and fire-proofing the area up to 200 feet of houses and other structures, have been shown by forest biologist to be more effective in preventing damage from forest fires than cutting large trees removed from those areas. And, at much less cost! Again, this is a cost-effective consideration that should not be ignored. In addition to all the above, there are significant hidden costs in logging in roadless areas. (Organization, Portland, OR – 2228)

The proposed to eliminate the rule is not needed to reduce the fire potential- the Forest Service presently has the authority to build roads to fight fires and to thin the forest as needed. (Individual, Elizabethtown, KY – 3131)

Overall, the scientific literature shows that forests in areas without roads are less altered from historical conditions and present a lower fire risk than forests in intensively logged and roaded areas for three reasons: (1) timber management activities often increase fuel loads and reduce a forest's resistance to fire, along with its post-fire resilience, especially by removing large, fire-resistant old trees and replacing them with flammable tree plantations; (2) areas without roads have been less adversely affected by fire suppression than intensively managed lands; and (3) road building in intensively managed lands increases the risk of human-caused ignitions. According to the Forest Service's Draft Environmental Impact Statement for the 2000 Roadless Area Conservation Rule, approximately 58 million acres (all ownerships) of forests nationwide are at risk of fire. Of these, 12 million acres occur on the national forests. A much smaller percentage (~3%) of at risk forests are in roadless areas. (Organization, Charlottesville, VA – 43130)

#### **BECAUSE THIS APPROACH WOULD PREVENT DECREASED FOREST HEALTH**

Just recently, on October 19, 2004, 127 scientists with extensive expertise in conservation biology, forest ecology, stream ecology, and wildlife management including Edward O. Wilson and many other renowned scientists signed a letter urging this administration to reinstate the 2001 Roadless Rule. The letter state: "There is growing consensus among the scientific community that a strong roadless conservation rule is one of the cornerstones to sustainable public lands management, biodiversity conservation, and ecosystem health of the national forests." See letter at Attachment 1. (Organization, Charlottesville, VA – 43130)

In particular, we note that in the eastern United States, very few areas large~ than 5,000 acres remain in unroaded condition. Few intact forests east of the Mississippi remain as extensive fragmentation has degraded forests from clearcut logging, urbanization, and road building. Nearly the entire eastern seaboard has been bisected by a maze of roads readily observable from satellite photos. The smaller unprotected roadless areas (1,000-5,000 acres) within the roaded matrix are critical to ecosystem health and wildlife population viability. When combined with strategic closure of roads (near roadless areas), the size and functionality of these smaller areas can begin to restore the health of public lands in this region. (Organization, Charlottesville, VA – 43130)

#### **BECAUSE THIS APPROACH WOULD PREVENT INCREASE IN FOREST PESTS (E.G., NOXIOUS WEEDS, INSECTS, DISEASE)**

[T]he use of vehicles can facilitate the spread of invasive plant species, because seeds can temporarily become attached to vehicles, and then drop in areas without invasive plants. A Trunkle and Fay (1991) study showed that a vehicle driven through a spotted knapweed infestation could pick up an average of 1,644 knapweed seeds. After driving this truck for one mile only 14% (226 seeds) were still attached to the truck, and after ten miles only 8% (138 seeds) were still attached. Based on this study it is easy to see how the BLM (1996) reports "every day, up to 4,600 acres of additional Federal public natural areas in the western continental United States are negatively impacted by invasive plant species." The decision to repeal the roadless rule will result in an increase in the introduction and spread of invasive species. This will result in degradation and loss of wildlife habitat, reduction in biodiversity, changes in vegetation and changes in fire behavior. (Organization, Washington, DC – 1460)

Allowing logging and road building in inventoried roadless areas is unlikely to have any affect on the Forest Service ability to reduce incidence of insect and disease outbreaks ,over the next 5 years.<sup>74</sup> Any assessment beyond that time frame is speculative. (Page 3-201 admits "high levels of uncertainty about the agency's ability to harvest timber for any purpose from these areas "even under the no action alternative.) There will likely not be adequate funding to effectively treat more than a small portion of the areas. The FEIS touts commercial timber sales in IRAs as a slush fund for treating insects and disease. If this is in fact done, the perverse incentives will make ecological problems far worse instead of better. Thinning can actually attract damaging insects. The FEIS

also fails to consider the ecological benefits of insects and disease (Organization, Washington, DC – 2226)

Biological Invasion- Roads can enable invasive plants and animals, many of which are non-native, to expand their ranges. Exotic species often thrive in the environments created by roads and can also be inadvertently transported by vehicles. Roads create open edges to forests which can make species more vulnerable to pest epidemics, invasion by nonnative species, and nest parasitism. Examples include: weeds, such as spotted knapweed; aggressive brood parasites, such as the brown-headed cowbird; and pathogens, such as Port-Orford cedar root rot. (Individual, No Address – 3255)

Perhaps the most destructive aspect of road construction is that it is the principal cause of weed spread in our national forests. Weeds ride into forest lands when transported by vehicles or by livestock. They come in initially with road-building machinery, and subsequently with vehicles using the roads. Weed invasion is responsible for the total degradation of natural plant communities and for the loss of plant and animal species over much of their natural ranges. It is recognized by Forest Service personnel as such a serious threat that a draft Environmental Impact Statement has been issued by Region 6, U.S. Forest Service. Significantly, the EIS recognizes that even with the new measures proposed therein, weeds will continue to spread. (Organization, Seattle, WA – 4410)

Natural forests are resistant and resilient to disease, having co-existed with indigenous diseases and pests for many centuries. An increasingly serious problem for forest health today is the introduction and spread of nonnative, invasive animals, plants, insects, microbes, and other organisms from around the world. The role of roads in facilitating the spread of these pests into natural forest is well-documented...Keeping these areas roadless will help protect them from the significant economic and environmental damage caused by invasive species. It will also help the Forest Service comply with President Clinton's 1999 Executive Order 13112, which directs federal agencies to avoid actions facilitating the spread of invasive species (see <http://www.invasivespecies.gov/laws/execorder.shtml>). (Individual, Marenisco, MI – 9195)

**BECAUSE THIS APPROACH WOULD PREVENT DAMAGE TO TRADITIONAL CULTURAL PROPERTIES OR IMPACTS TO HERITAGE RESOURCES (E.G., LOSS, DAMAGE, VANDALISM, VIOLATION OF SACRED SITES)**

Roadbuilding threatens ecological function and causes the loss of cultural properties and sacred sites, the loss of reference areas for study and research, increased erosion, air pollution, the spread of invasive exotics, significant road mortality and avoidance by wildlife, and habitat fragmentation. (Individual, Annandale, NY – 1325)

Despite the Forest Service's categorical denial, the Proposed Rule clearly has Tribal implications. Tribes possess reserved rights to fish, hunt and gather within the national forests. Additionally, the national forests contain many areas of cultural significance to tribes. Based on these rights and interests, tribes must be involved at every level regarding management of the national forests. (Tribal Government, Bonners Ferry, ID – 58206)

**BECAUSE THIS APPROACH WOULD PREVENT REDUCTION OF NON-MOTORIZED RECREATIONAL OR SCENIC VALUE**

Furthermore, repeal of the Roadless Rule will ultimately mean that more and more people will concentrate their activity in the few remaining areas of designated wilderness. (Individual, Boulder, CO – 1170)

The Roadless Rule is a vital tool for protecting our national forests from harmful and costly road-building and commercial logging, while continuing to allow public access and opportunities for recreation activity including birdwatching, fishing, hiking, hunting and camping. (Organization, Sequim, WA – 1494)

The environmental damage caused by road building breaks up and destroys habitat. Road building not only negatively impacts wildlife, but recreational opportunities within our forests. Millions of Americans escape to our national forests every year for solitude and rejuvenation. In fact, 85% of

all revenues generated by our national forests accrue from recreational fees. In light of this figure, and the broad public support the rule enjoys, it is reasonable to state that Americans don't want the majesty of their forests destroyed by more road building and exploitation. (Organization, Sunrise, FL – 2012)

**BECAUSE THIS APPROACH WOULD PREVENT AIR QUALITY IMPACTS**

Protection of Roadless areas will greatly benefit:

- Air Resources: high levels of air quality resulting in maintenance of visibility goals; (Organization, Eugene, OR – 1512)

Increased logging operations and road construction will increase road related air quality degradation. (Organization, Washington, DC – 2226)

Our wilderness areas not only provide sanctuary for magnificent species that have evolved through millions of years in parallel with our own development, and for which humans now have a duty to protect both morally and for their latent benefits, but also are an important part of ecological systems that regulate our planet's climate—with catastrophic changes now threatened from excessive emissions of greenhouse gases. (Individuals, Charlestown, NH – 2687)

At a time when availability of fuels is diminished and the adverse effects of operation of motor vehicles are becoming unmistakable, we can see no reason, whatsoever to reduce restrictions of motor vehicle use in the National Forests. Global Warming is real-and will require all our efforts to control. (Individuals, Lacy, WA – 3920)

Roadless lands provide \$490 million to \$1 billion in carbon sequestration services and \$490 million in waste treatment services alone. (Organization, Washington, DC – 2226)

Unroaded areas also provide the invaluable function of carbon sequestration, which prevents global warming. Deforestation is responsible for 30% of atmospheric carbon dioxide worldwide. The forest of the Pacific Northwest (including the Tongass National Forest), in particular, are the most efficient in the world at carbon sequestration. The economic value of the carbon sequestered on National Forest lands is 30 times the timber value of those lands. (Organization, Everett, WA– 2492)

When we negate the importance of our natural parts we create more atmospheric problems around the world. Eventually we are ruining the health and lives of all people. (Individual, Taylors, SC – 17887)

Oregon has a few heartfelt old trees left and we need them to cool in summer and brace against winds in winter. (Individual, No Address – 20624)

We must protect the remaining roadless forest for environmental services (such as carbon sequestration). (Individual, Moscow, ID – 24740)

Forests and oceans are the largest suppliers of oxygen that is vital to the health of humans and all mammals and most other forms of life on Planet Earth. Research from tree bores and ice boring at the coldest parts of the planet, confirms that oxygen percentage of the atmosphere is decreasing faster in this era of history than in any other. This reduction in oxygen is most plainly noticed by the increase in malfunctioning of the lungs, causing asthma and other maladies of the bronchia in general. These studies do not appear to be recognized by those who are supposed to be in charge of maintaining our forest resources in the USA. It appears that the basic policy of our supposedly democratically elected representatives is, cut, cut, and cut...I hope your breathing is not affected by less stringent and narrow policies. (Individual, Medford, OR – 40606)

**BECAUSE THIS APPROACH WOULD PREVENT DEVELOPMENT OF LANDS THAT DO NOT CURRENTLY HAVE ROAD ACCESS.**

New roads mark the beginning of development that ultimately results in the destruction of our natural heritage. Once initiated, the damage becomes nearly irreversible. (Individual, Salt Lake City, UT – 3209)

No-no absolutely not to talking many years old Trees down for another Road—another strip mall—another mega super center Wal-mart—another parking lot—which seem to turn into empty buildings after a few years. (Individual, No Address – 3538)

**25. Issue: The Forest Service' approach to managing roadless areas should emphasize multiple use management.**

I would like to see as much of the National Forest land as possible declared off-limits to logging and new road building activities. In reality, as you would know more than anyone, this stance is not practical or realistic. Our National Forest lands are a public resource that must be utilized for many purposes. As a citizen, I would like to see the Forest Service identify those lands that are unique and irreplaceable and declare these areas off limits forever to logging and road building activities. These areas could represent a unique ecosystem or landform or pristine area that could never be recreated to its natural state through reclamation activities. (Individual, Noblesville, IN – 1305)

As a United States citizen, I expect the USDA Forest Service to responsibly manage National Forests for multiple purpose use and protect them from unnecessary degradation. At present I am disappointed and I stand united with the American public in support of the original Roadless Rule. (Individual, Annandale, NY – 1325)

Everything I have read on the subject seems to point to Congress's intent, when writing the laws setting up the National Forests, for them to be used as multi-use facilities, to have commercial as well as recreational uses. Please continue your policy to open the forests with new roads. Continue to allow the timber companies to harvest the forests, miners to extract minerals, ranchers to graze their cattle and hikers to hike the outdoors. Second, because of years of well intentioned policy to suppress the fires in national forests, we have created fuel heavy forests ready to go up in immense fires destroying the very habitat we are trying to preserve. Build the roads to allow fire crews to protect the forests when large fires occur. (Individual, Antioch, CA – 1384)

The original roadless rule threatened to seriously undermine the health of our forests by precluding access to areas where these wildfire threats exist. Policies such as these will only impair the ability to protect our forests against devastating fires. (Organization, Orland, CA – 1470)

We must get beyond the simplistic idea that neglect of our public lands is ever benign, or that active management is necessarily destructive. Our public lands are treasures to be cherished, and even the most expert of absentee landlords are poor substitutes for the oversight of careful and concerned residents. The governors and county commissioners of each state, duly elected and subject to periodic review by voters are in an ideal position to recommend the best balance of multiple use and protection of truly trackless acres. (County Agency, Cascade, ID – 2230)

Active management within the current roadless areas (as opposed to single use or no management) will in many instances improve forest ecosystem function by reducing fuel loading, promote the removal of insect or diseased-affected timber in a timely matter, and provide for access to critical man-made facilities needing management that may already exist in "roadless areas." Roads present for active management do not have to be permanent for the Forest Service (FS) currently has the ability to close certain roads when the primary use goals are achieved. Collaboration with the states through the petition process will ensure that the states and the Forest Service are in agreement on the nature, purpose and duration of mechanized activity before the activity is initiated. States can support FS in ensuring that the activities are appropriately regulated, appropriate land managing and rehabilitation techniques are employed, and forest health is ensured...While all of the above applies in a general sense to multiple land uses in roadless areas, the issue of access to federal lands for energy development is critical if energy supplies are to be developed in concert with increasing demand. (State Agency, Salt Lake City, UT – 2288)

While I support some designations of "wilderness areas" I think they should be limited to not more than 10-15% of public lands and the rest should be managed for use with sustainability. This means, areas for all recreational types identified but not condensed to the point of overuse and

forest management practices that promote healthy forest over whatever happens naturally” (Fire control vs. Let it Burn). (Individual, Spokane, WA – 35229)

### **BECAUSE THIS APPROACH WOULD PROMOTE FOREST HEALTH**

The forest health crisis on federal lands requires that on-the-ground managers have forest plans that guide projects and programs to restore and maintain forest health and provide for the appropriate multiple uses that our national forests are intended to offer (Elected Officials, Duchesne, UT – 1472)

Finally, this proposed rule could create healthier national forests and reduce properly loss due to fire or infestations. The Forest Service estimated that nearly 40% of the inventoried areas under the 2001 rule are at moderate to high risk from catastrophic wildfires or insect and disease infestations and allows for projects to address these problems. (County Government Association, Murray, UT – 2223)

We commend the Forest Service for recognizing the uniqueness of managing inventoried roadless areas at the state level and more importantly at the local (i.e. Forest Plan) level. However, our state has been significantly affected by the existing roadless rule. From our perspective, active management for wildlife resources in inventoried roadless areas has essentially come to a halt, with few exceptions. ...The facts are that some of these inventoried areas are not roadless and others have a suitable timber base and present opportunities where active wildlife habitat work such as silvicultural treatments and permanent opening could be developed. Wildlife habitat practices could occur without detriment to the unique qualities inherent to inventoried roadless areas. Active forest management on National Forest lands has been reduced due to protection of Threatened and Endangered species and the influence of a very vocal minority attempting to halt all management on National Forest lands both locally and nationally. If the Forest Service continues on this course of direction, many wildlife species associated with early successional type habitats will continue to decline. From our agency’s perspective, multiple-use means an annual sustained yield and perpetuation of important and valuable renewable resources including wildlife populations and timber resources- not preservation. (State Agency, Charleston, WV – 2231)

Even though maintaining the roadlessness of these areas may be the best way to prevent wildfires and to protect forest health, reasonable exceptions to the prohibition on road building should be allowed when necessary to protect against threats to human safety and property. Such is the case in the Rule as it is now written. The Rule already provides adequate exceptions that allow road building and logging when necessary to prevent severe wildfires and to protect forest health. Section 294.12(b) of the Rule provides numerous exceptions to the prohibition on road construction in inventoried roadless areas when necessary including to prevent wildfires or other natural catastrophes. Section 294.13(b) provides similar exceptions to the prohibition on logging to prevent wildfires or other natural disturbances that might threaten the health of the forest. The Rule also allows fire line construction for prescribed fire (for any legitimate purposes) or control of wildfire. 66 Fed. Reg. at 3258;. (Organization, Charlottesville, VA – 43130)

When the 2001 Roadless Area Conservation Rule was adopted, it was clear to our association of contract loggers and log truckers that the regulations would be a major impediment to returning Federal forests to an acceptable level of health. Our experience in the woods tells us that all of the forest needs some degree of care and therefore access is needed, even if it’s primitive, to get the job done. (Organization, Sacramento, CA – 58172)

Our National Forest is in trouble and needs to be managed by competent professionals. The forest needs to be thinned on a regular basis as well as control-burned in some cases. It is time common sense was used in managing our forest, and not by the close-minded environmental lobbying groups. Not only would our forest be healthier for hunting, fishing, hiking and sheer beauty, but there would be fewer problems with wildfire. Not to mention that the income from logging would let the Forest Service have the money needed to take care of their woodpeckers and other endangered species. Who knows, if the logging was done properly, they may even be able to make



a profit. Please, lets open up the forest to road building so the forest can be managed in the proper way. (Individual, No Address – 58526)

**BECAUSE THIS APPROACH WOULD PROMOTE OR ALLOW FOR FUEL TREATMENT, FIRE SUPPRESSION, EMERGENCY ACCESS, AND PUBLIC SAFETY**

Our National Forest are in trouble and need to be managed by competent professionals. The forest need to be thinned on a regular basis as well as controlled burned in some cases. It is time common sense was used in managing our forest, and not by the closed mined environmental lobbying groups. Not only would our forest be healthier for hunting, fishing, hiking and shear beauty, but there would be fewer problems with wildfire. Not to mention that the income from logging would let the forest service have the money needed to take care of there woodpeckers and other endangered species. Who knows, if the logging was done properly they may even be able to make a profit. Please, lets open up the forest to road building so the forest can be managed in the proper way. (Individual, No Address – 58526)

The timber industry has expressed concerns for years about the prohibition of road building's effects on efforts to address forest health issues, and access for fire-fighting activities that previously were not listed among the key concerns of the public. We believe the public needs to be informed of the importance of the national forest road system and the access it provides for activities that benefit ecosystem sustainability. (Business, Seeley Lake, MT – 1481)

We support the proposed rule and feel that it is proper to provide an opportunity for States to have greater input on the management of their inventory roadless areas. We feel that this proposal will allow States to better protect the lives and property of its citizens from the threat of fire and other forest health issues. It also provides the opportunity for local input on issues, such as the economic and social impacts of roadless designations. Finally, the proposed rule better addressed regional forest management issues and encourages the coordination between the Forest Service and state forestry agencies. (Organization, Hershey, PA – 58183)

As a landscape architect, and architecture student I fully see both sides of the situation, the forest must be preserved, and the forest must be managed. Management is the most crucial element in a forest. Of course it is only advantageous for man to manage because then a fire is less likely to wreak havoc on his settlements. This is the world we live in. I have logged before and I know that if done correctly, it can mitigate, or nearly so, potential fire hazards. As such, it also can be done with out a maze of roads. IF this initiative is maintaining management then hiring a team of Morgan Horses is not out of the question. IF this initiative is a payback for campaign contributions, roads are mandate as money is the ultimate goal. I hope it is the former, as that will ultimately be of benefit to the forests however man's ability is greatly diminished to make a profit. Because of this I believe an outstanding landscape architect should be hired in order to "pleasantly" outline a trail that best facilitates horse drawn trailers, thereby eliminating an engineering approach a making for a beautiful road that ultimately accomplishes both initiatives. (Individual, Spring Green, WI – 78920)

**BECAUSE THIS APPROACH WOULD PROMOTE OR ALLOW FOR WOOD PRODUCT PRODUCTION**

I would like to see as much of the National Forest land as possible declared off-limits to logging and new road building activities. In reality, as you would know more than anyone, this stance is not practical or realistic. Our National Forest lands are a public resource that must be utilized for many purposes. As a citizen, I would like to see the Forest Service identify those lands that are unique and irreplaceable and declare those areas off limits forever to logging and road building activities. These areas could represent a unique ecosystem or landform or pristine area that could never be recreated to its natural state through reclamation activities....As for the remaining National Forest lands, I would like to see these lands surveyed and designated for multi-purpose use. We all need to be honest enough with ourselves to realize that it is necessary to use our forests for logging and other resource extraction as well as recreation activities and wilderness prevention. The key is to manage and replenish these resources so that they are not over-utilized and destroyed. (Individual, Noblesville, ID – 1305)

Proper logging can improve forest conditions, reduce housing expense, and increase employment at a time when it's badly needed. (Individual, Sebring, FL – 3921)

Our National Forest are in trouble and need to be managed by competent professionals. The forest need to be thinned on a regular basis as well as controlled burned in some cases. It is time common sense was used in managing our forest, and not by the closed minded environmental lobbying groups. Not only would our forest be healthier for hunting, fishing, hiking and sheer beauty, but there would be fewer problems with wildfire. Not to mention that the income from logging would let the forest service have the money needed to take care of the woodpeckers and other endangered species. Who knows, if the logging was done properly they may even be able to make a profit. Please, lets open up the forest to road building so the forest can be managed in the proper way. (Individual, No Address – 58526)

#### **BECAUSE THIS APPROACH WOULD PROMOTE OR ALLOW FOR MINING AND OIL AND GAS EXPLORATION/PRODUCTION**

According to the Department of Energy, Fossil Fuel Office, in testimony presented on April 16, 2001, before the Senate Subcommittee on Forests and Public Land Management, Committee on Energy and National Resources:

- A mean estimate of 11.3 TCF, and potentially as much as 23.1 TCF, of natural gas underlies currently identified roadless areas in the Rocky Mountain region.
- A mean estimate of 550 MMB, and as much as 1,200 MMB, of technically recoverable oil underlies the identified roadless areas;
- Eighty-three percent (83%) of the natural gas resource affected by the 2001 Roadless Rule, approximately 9.3 TCF, is located in nine plays beneath 2. million acres of roadless areas, which is less than five percent of the 51.5 million acres covered by the 2001 Roadless Rule.

Given the unduly restrictive limitations created by the 2001 Roadless Rule, Gunnison Energy was pleased in July of this year when the Forest Service issued the new Roadless Area Protection Rule which would allow affected states to take a lead role in working with the Forest Service to harmonize the protection of our forest resources with the need for continued public access to pursue the many activities which are the economic lifeblood of our region. (Business, Denver, CO – 57809)

One of AMA's greatest concerns about the January 2001 Rule is that it failed to properly consider and account for the public laws that specifically control access and development of minerals on public lands. (Organization, Phoenix, AZ – 1913)

#### **BECAUSE THIS APPROACH WOULD PROMOTE OR ALLOW FOR LIVESTOCK RANGE MANAGEMENT**

Roadless designations which adversely impact grazing permits should not be considered. Again, this proposal allows the state to help designate these areas. We are concerned that, much like the flawed proposal adopted years ago, this decision does not fully consider the impact to the environment. We should be promoting the ranching that occurs on this combination of public and private lands as it promotes the preservation of a wide range of species. (Organization, Orland, CA – 1470)

Provide for the safety of Nevada residents and communities from the threat of wildfire through ongoing fuels reduction and forest/rangeland management activities in designated roadless areas. (Elected Official, Carson City, NV – 2024)

The AHC and its organizational and individual members recognize that we must protect and maintain our historical heritage and traditions. Horsepower built this nation. They furnished the transportation for the first 200 years. They hauled the logs to strip the land to grow the crops for 250 years. They are still a part of the cattle ranching to put meat on our tables. They moved this country from the east to the west. They were used in the military up to World War II. Our members are frustrated that now horses are being excluded, whether outrightly through the posting of a new trail closure or as a consequence of a new regulation...

The AHC was very concerned with the 2001 rule as it would have prohibited road maintenance and road reconstruction within inventoried roadless areas on FS lands. We need roads in order to access many of the trails within the FS. In response, we expressed our concern to the FS that if there was a ban, there may be perfectly legitimate areas where individuals could ride horseback, but they will never have the opportunity to do so because of the inability to transport their animals to a trailhead. In the new proposed rule, the states are given the responsibility to develop forest-specific regulations. We strongly believe that any regulation developed at the state level and authorized by the FS must take into account the recreational needs of the community, including the need for continued maintenance of roads to existing trailheads. (Organization, Washington, DC – 79)

**BECAUSE THIS APPROACH WOULD PROMOTE OR ALLOW FOR ACCESS TO OR DEVELOPMENT OF EITHER PUBLIC OR PRIVATE LAND (E.G. SKI AREAS)**

The agency should recognize the unique role of ski areas in its rulemakings on roadless protection. Resorts need flexibility to accommodate changing conditions and public demand for outdoor recreation opportunities. The flexibility is particularly necessary in the context of roadless protection and is justified on many levels: (1) we currently accommodate over 30 million skier/snowboarder visits on less than one-tenth of one percent of NFS lands; (2) Recreation visits on the national forests are expected to increase in the future as a result of demographic and population shifts, and we have already witnessed record visitation numbers at ski areas over the past four seasons; (3) In addition to increased quantitative demands for recreation, there is now increased public demand for diversified and year-round recreational activities at ski resorts, as well as new and varied terrain, better and faster circulation, and reliable and consistent snow conditions. Ski areas must have the flexibility to make improvements to address these emerging trends; (4) By necessity, resort improvements must be adjacent to or connected to existing improvements. Ski areas make significant, long-term capital investments on National Forest land, and are locked in place by virtue of these capital investments. We must have the flexibility to make needed expansions on nearby parcels; (5) Ski area roads are essential to the completion of ski area improvement and development projects, as there is no practical or economically feasible substitute for road building in the context of ski area development; and (6) When resorts do construct roads in new areas, their impacts are limited as thorough analysis is conducted, mitigation is performed, the roads are short in length, and they are used for limited or temporary purposes such as construction, maintenance, service, access or emergencies. (Organization, No Address – 57880)

Further, this proposed rule, because of the provisions for state and local involvement in management decisions, would allow states to explicitly address the problems of private and state in holding within reinventoried roadless areas. This is essential because it is estimated that within the 4.5 million acres of inventoried roadless areas identified by the 2001 rule, at least 422,000 acres are private and at least 43,000 acres are state in holdings. (County Government Association, Murray, UT – 2223)

I believe that access to federal lands by private citizens is a right which should not be denied based on poor science or special interest groups with millions of dollars. Please consider the above when making your final disposition on these matters. (Individual, Cocoa, FL – 10856)

USFS should be prohibited from interfering with existing access to private fee inholdings. (Individual, Rifle, CO – 21997)

## Recreation Management

### 26. Issue: The Forest Service should preserve roadless areas for recreationists who seek a primitive, wilderness-type experience in a pristine, natural setting absent motor vehicles

I would also like to see a system that would maintain and preserve those lands closest to our population centers for recreational use and not resource extraction activities. For example, when the Arctic National Wildlife Refuge was declared off-limits to oil extraction activities, I began to hear talk of shifting these extraction processes to the Rocky Mountains and other locations throughout the Western and Southwestern United States. This, in my opinion, would be a mistake. Areas closest to our population bases should be preserved for recreational use. (Individual, Noblesville, ID – 1305)

#### **BECAUSE THESE EXPERIENCES PROVIDE CONNECTION TO NATURE, SOLITUDE, AND SPIRITUAL RENEWAL**

USFS should be given authority and budget to limit encroachment in roadless areas by OHVs and creeping recreation roads. (Individual, Rifle, CO – 21997)

There is no need for motorized traffic of any kind in our wilderness areas. Particularly not for “recreation”. There is no sport or adventure in roaring around on an ATV, snowmobile, or any other kind of machine that tears up the environment, pollutes the air and water, terrorizes the wild life, and makes the area unsafe for humans as well. (Individual, New York, NY – 1159)

My wife and I are frequent users of the national forests for recreation, sport, and to restore our spirits from the noise and bustle of modern life...From personal experience I know that it is the areas where there are no roads that are the special ones. (Individual, Boulder, CO – 1170)

Our population is not only increasing at a rapid rate, but the hectic pace of our lives is making the need for places to go to commune with God and nature more and more important to our health and sanity. (Individual, Umpqua, OR – 1196)

One concern of mine is the proliferation of off-road vehicles on Forest Service lands. I would like to see the Forest Service limit the use of these vehicles to appropriate areas and take practical measures to insure that operators of these vehicles remain in these areas. (Individual, Noblesville, ID – 1305)

Increased road access increases noise and traffic that alters the normal behavioral patterns of many species (e.g., migration to calving and wintering areas), and it facilitates poaching. Roads also diminish the quality of hiking and wilderness camping. The ability to get away from the noise of vehicles is important to the soul of many outdoor enthusiasts. The Forest Service is fully aware of the impact of not only road construction but the impacts that increased access can provide to unethical users of off-road vehicles. Therefore, it seems ironic that this proposed rule was released on almost the same day as the FS issued a proposed rule to increase traffic management with a focus on off-highway vehicles. Roads provide access for OHV users. (Individual, No Address – 1326)

My art during these years has come from the inspiration and observation of our beautiful forests, Watercolors painted on the spot, while backpacking, woodcuts expressing the contrasts in texture, colors and form of birds and animals. I love these aspects and have worked to pass this appreciation, respect and conservation of these values to students, and fellow citizens. I have observed over the years, a stronger environmental appreciation and interest among residents from elsewhere than residents born in Wyoming, who all too often take it for granted. (Individual, Casper, WY – 1350)

We oppose the indiscriminate and environmentally destructive use of dirt bikes and other off-road motorized vehicles (ORVs) in Roadless areas. ORVs have become increasingly damaging to Roadless area values, as vehicles have become more powerful and numerous. Thousands of

illegal “user-created” routes, many of them within Roadless areas, have been established by repeated ORV use. While the National Park Service and Bureau of Land Management have recently taken actions to control ORV use at the national level, the Forest Service has not. We recommend that the final rule restrict ORV use to existing legal routes, impose a moratorium on any new ORV trail developments in Roadless areas, require Forest Service managers to close user-created routes, and ban cross-country ORV travel in Roadless areas. These national policy actions can be implemented in part through the project-level and forest plan revision processes, with added interim protection as discussed above (see section on uninventoried Roadless areas). We also recommend that the final policy drop the reference to “motorized” dispersed recreation as a characteristic of Roadless and unroaded areas to be considered in the forest plan revision process. (Organization, Eugene, OR – 1512)

Not everyone confines his or her worship exclusively to the altar of human things, not all of us have completely drowned in what Walt Whitman called the “mania for owning things”: most of us like to take a dip in the primeval world from time to time, and most of us are saddened to hear of lost places and lost animals, or of extinctions, when one of the creatures of the Earth vanishes forever into the nothingness void that is known only to God. (Organization, Tucson, AZ – 1686)

Increased logging operations and road construction will decrease the availability of land for dispersed and primitive recreation. The Forest Service must consider the fact that as the human population increases the value of such recreation areas significantly increases over time. (Organization, Washington, DC – 2226)

When one is enjoying the natural environment of a public resource like a state or national forest, it is a painful assault to one’s tranquility and joy.

- To walk out of a magnificent stand of timber onto a denuded slope with branch debris, deep gullies, and rutted dirt roads;
- To hear, often at a great distance, the incessant whine of chainsaws, the undulating vroom’s of ATV’s, and the annoying changing of gears of trucks;
- To realize, as one sees or hears these activities, that both flora and fauna are losing still another part of the landscape on which to flourish. (Individual, Landsdale, PA – 3980)

The people of this county love the land and want to protect it, ask them! Thousands of people in increasing numbers (especially after 9/11) seek these places for solace from the modern world. (Individual, Seattle, WA – 9117)

## **27. Issue: The Forest Service should make roadless areas accessible by motorized vehicles for various motorized recreational activities.**

I am also very concerned by the use of the term “roadless” as I believe it leaves the public with the impressions that these are areas that have been historically roadless and therefore, ought to be preserved in a pristine state. If that were truly the case, I would be in support of the use of such a descriptive term. However, at least with respect to the portions of the Lassen National Forest with which I am well acquainted and that are slated to become “roadless” that is not the case, having had countless mining and logging roads constructed all the way back to the mid-1800’s, together with numerous hiking, motorcycle (single track), and Jeep trails. Many of such routes increased 300 percent since 1998. I believe that the reason for the increase stems from a general desire to escape the stresses of the city, together with the realization that OHV use is a great family activity which teaches responsibility, the love and appreciation of nature, and team building skills. While I certainly do not want to promote irresponsible OHV use (such as an expansion into the national parks or designated wilderness areas), I do not believe it is an appropriate time to restrict the areas in which the activity can be engaged in both responsibly and lawfully. (Individual, Paradise, CA – 4256)

We have more roadless areas now than is needed. Roadless areas are detrimental to the rural area economy and overly restrictive for the elderly to enjoy their National Forest. (Individual, Coeur d’Alene, ID – 26232)

I have learned that nature is resilient and if the land managers work with the OHV community, the hunting community and the other groups that wish to recreate on public lands. That thousands can enjoy their recreation while treading lightly, thus doing the damage of 10 or 50 persons not conscious of the environment. Treading lightly is recreating in a manner that attempts to mitigate impact. In my area of expertise, SBNF, we have seen the forest reclaim land that was a town 50-75 years ago. We have seen the forest reclaim meadows damaged by pirate off roaders 5 years ago. We have seen the forest renew itself over and over. We found that the Indians used to burn the forest every 5 years, to help it renew itself. Thus supporting arguments that the forest can take a load and renew. Grasslands are much the same way, at worst the OHV community needs to be contacted to assist in renewing areas damaged by our recreation, at best the lands will recover on their own. (Individual, No Address – 75379)

**28. Issue: The Forest Service should retain roadless areas in unmodified condition for purposes of environmental education.**

[K]eeping roadless areas assures at least some semblance of original forest for future generations to study and glean knowledge from. (Individual, Portland, OR – 6493)

It's hard to educate youth of old growth when it is being decimated and threatened at alarming rates. (Individual, Madison, WI – 9040)

I am most familiar with the temperate rainforests of the Northwest and Alaska. These and other roadless areas are very important in preserving the diversity of nature wildlife and vegetation that reside there uncontaminated by foreign species that have invaded other areas. These forests belong to the American People and should be kept in their pristine state for future citizens to enjoy and scientists to explore. (Individual, Waterford, CT – 15126)

The natural wilderness areas are a treasure to be preserved for wildlife, hikers, and scientists now and in the future. (Individuals, Kingston, TN – 24999)

I am against any changes to the Roadless Conservation Rule. We must protect wilderness for future generations to savor, study, and to enrich themselves. (Individual, Albuquerque, NM – 28860)

Roadless areas also serve as reference areas for scientific research and bulwarks against invasive species. (Organization, Roseburg, OR – 1490)

Scientific Study: Roadless areas provide a place for scientific study like no other. They are for the most part undisturbed by man, and exist in ecological integrity. In these places, scientists can discover more about our world, and in essence, help the human race survive its future. We must allow places of study to remain. They are the basis for future ecological experimentation. (Individual, Cecil, AL – 4245)

**29. The Forest Service should not construct roads in roadless areas because the roads would make these areas accessible for illegal activities.**

Recently, I traveled up to Fire Lake in the Clearwater National Forest and witnessed at least two "hunters" standing in the road with rifles loaded and merely stating they were hunting for bear. It was intriguing to me that these individuals were from Michigan, that bear season was not yet open, and from their vantage point of the road, they could only be interested in the few remaining elk or moose in the area. The roads have become a conduit for poaching and hunting violations that have never been addressed by your organization. (Business, Covington, LA – 1371)

We are affected by ongoing efforts to create new roads in the national forest near our ranch. Since the 1990s, unregulated user-created roads have led to erosion, invasive weeds, and fire hazards that create problems and expenses for private landowners. The area near our property is insufficiently patrolled by law enforcement. Before opening new areas to road construction, the existing areas with roads should be properly managed. (Individual, Albuquerque, NM – 2498)

My family has been over many states including Hawaii, Alaska, and in all areas where we have hiked, camped. The average effects relating to off-road ATV use and illegal hunting and litter/trash problems were connected to access by logging and misuse of designated areas. (Individual, Columbia, MO – 15199)

As a frequent user of the Daniel Boone National Forest in Kentucky, I have noticed that arson—a huge problem around here—always happens near roads. The criminals come in, set fires, and drive off. More roads means more arson. That's way we had to keep areas without roads, to reduce crime. (Individual, Lexington, KY – 28279)

## Special Designations

In the event a State-petitioning rule is adopted, it should state that in inventoried roadless areas, the primary consideration should be on conserving roadless values and characteristics. The purpose of identifying roadless areas is to evaluate which of these will be recommended for additions to the Wilderness Areas Preservation System. While occasionally other values, such as protecting human health and safety, reducing hazardous fuels, restoring essential wildlife habitats, maintaining existing facilities such as dams, or providing reasonable access to public and private property or public and privately owned facilities may take precedence over conserving roadless values, the burden should be to provide justification as to why the roadless values should be secondary. Maintaining the areas within the current inventory of roadless areas in a condition suitable for their future consideration as Wilderness should be an important objective of Forest Service management of National Forests. (Organization, Roanoke, VA – 57793)

Roadless protection under the 2001 Rule is far from synonymous with protection through Congressional designation under the Wilderness Act. The Roadless Rule allows many activities and uses which the Wilderness Act does not allow. For example, the Roadless Rule allows the following activities that would not be allowed in a Congressionally-designated wilderness:

- all types of motorized use including off-road vehicles and all-terrain vehicles
  - construction (motorized) of fire lines for control of prescribed fire for any number of purposes including creation of wildlife habitat (66 Fed. Reg. at 3258)
  - continued motorized use of roads within roadless areas (a 5,000 acre roadless area can have 2.5 miles of improved road in the area)
  - construction of new roads needed in conjunction with the continuation, extension or renewal of a mineral lease including oil and gas leases
  - commercial logging to reduce fire risk using motorized equipment (36CFR § 294.13(b)(1)(ii))
  - allows the continuation of other multiple use activities
  - maintains the status quo on motorized access using existing roads.
- (Organization, Charlottesville, VA – 43130)

### **30. Issue: The Forest Service should recommend that roadless areas be designated Wilderness.**

ISSUE EIGHT - DESIGNATING AREAS: Should roadless areas selected for roadless protection through the local forest planning process be recommended for Wilderness, or should they be maintained under a specific roadless area management designation? The Forest Plan should make the decision whether or not an area should be recommended to Congress for Wilderness designation. Similarly, we believe Congress should develop a national land use designation for backcountry areas that may include roadless areas. (Individual, Fremont, CA – 235)

Since it is obvious that politicians will play political football with our remaining wild country, we support Wilderness designation for these lands and urge you to recommend such designation to Congress. (Individuals, Clancy, MT– 2464)

Please do NOT implement the proposed change to the roadless rule. The original Roadless Area Conservation Rule, enacted by the Clinton Administration should be fully installed. It should NOT be replaced by the governors petition process. I and many many other Montanans want the Federal

roadless areas protected, and not opened for development. I also support Wilderness designation for these inventoried roadless lands. (Individual, Boulder, MT – 58187)

**31. Issue: The Forest Service should not recommend that roadless areas be designated Wilderness and should not manage them as such.**

Any areas that are managed as wilderness (even without a Congressional designation as wilderness) will preclude proper forest management which is already a major concern in the Forest. These areas are used regularly by locals for snowmobiling and recreating and locals should be able to continue using them in this manner. (Individual, Troy, MT – 1172)

There are nearly 105 million acres of designated Wilderness across the country, with roughly a third of that within our National Forests. Large portions of our Inventoried Roadless Areas (IRA) have been considered for Wilderness Area designation and have been specifically rejected. Additionally, use is already restricted on nearly 6 million IRA acres that are subject to one or more special designation categories. Some of our public land should be managed as Wilderness, but certainly not all of our roadless areas. Areas not yet designated by Congress, should be open to dispersed recreation, including significant portions for motorized recreation (see describing activities). We believe that a state petitioning process will offer this opportunity. In January 2001, the AMA stated that to impose further restrictions on areas managed as roadless by proposing them for Wilderness designation would do nothing to enhance the protection of roadless area characteristics. In fact, Wilderness designation would act to reduce the long-term health of some roadless areas by restricting management options. The Roadless Area Conservation Rule prohibits or limits activities that threaten the roadless characteristics of IRA. (Organization, Washington, DC – 1508)

I feel very strongly that roadless areas should not be managed as quasi Wilderness designated areas...As a generality, most wilderness areas are underutilized, a number of once designated trails in the "BOB" have been abandoned/grown over. If bark beetles are a problem and effect the forest health, "treatment" needs to be addressed. A motorized saw is forbidden in a Designated Wilderness area and a chain saw is part of the treatment modality. (Individual, No Address – 3308)

Do not reduce our harvestable acres by increasing wilderness acreage. (Individual, Whitefish, MT – 4075)

An argument is made that because land has been added to the Forests since the late 1980s (when the current plans were formulated), more Wilderness should be designated. Rather, shouldn't the inventory of that land determine what is suitable for timber, recreation or wilderness? With less than half of both forests suitable for timber harvesting, it would be far better to manage timber according to soils, aspect, steepness of slope, timber type and elevation, creating the opportunity for a mosaic of openings, selective thinnings and uncut areas. This creates a diverse habitat for many more wildlife species and doesn't remove productive timberlands from the state's economies (as would Wilderness designation). With over half of these two National Forests inventoried as unsuitable for timber harvesting and remaining for recreation and unofficial wilderness, artificial political boundaries for Wilderness are unnecessary, and actually impede the environmental and economic benefits of proper forest management. (Individual, Lyme, NH – 5437)

## **Social and Economic Values**

The State Petition Policy Will Discriminate Against and Interfere with Interstate Commerce. As just noted, the National Forests are not distributed evenly among the states. A company should not be permitted to cut National Forests in one state if, under the same circumstances, it could not cut them in another. (Organization, Charlottesville, VA – 19437)

Here in Pennsylvania and upstate New York, where I grow up, and all across the county there are timber companies that own their land, pay taxes, provide jobs and are excellent neighbors. Many



of these companies have managed their forests for over a hundred years with continuous production. One by one these companies are being put out of business, like the family farm, because they can't compete with the multinational corporations. It's not because of poor management practices, but instead because of unfair advantages we provide to big players with political muscle. We, the taxpayers of the United States, are subsidizing this extraction of our resources. It's not fair to us, and it's certainly contrary to free trade. To truly have free trade, the playing field must be level. When one group or businesses owns their land, pays property taxes, pays for all building and maintenance or roads and facilities, whereas the competition bids on right to cut in auctions that are not always free and open and uses roads that we, the taxpayers pay to put in, this is not fair and even competition. This is un-American. When the smaller companies fold, as many have, the land is subdivided and sold to developers. This land is then lost to forestry production forever. It's true. There may be a global over supply of wood now, but with growing population, we will need this production capacity in the future. As you can see, there are repercussions far beyond our national forest. The Roadless Rule is not only good environmental policy; it is also a prudent fiscal policy. Leave the Roadless Rule in place. (Individual, No Address – 1917)

This proposal is perceived by many to be a covert tax increase. (Individual, San Diego, CA – 77015)

I believe in multiple land usage, but only after competent ecological studies have been conducted to determine if the mining, timber harvesting, and petroleum extraction will have a detrimental effect on the biotic environment and especially ensuring that no federally protected/listed, or species that should be listed are placed in further jeopardy. Once a species has gone extinct, it is too late to call it back, and who are we to say what species has the right to survive and which species does not. Our nation should require that Big Business be responsible in protecting our trust lands, and I believe that there are more beneficial ways to maintain a sustainable timber harvest. Maybe we should get smart like the Europeans and extract timber by the by the use of helicopters so that additional roads do not need to be built. The mining and petroleum industries are sad examples of pollution and destruction of the environment when extracting raw materials. They should be held responsible for the destruction and be required to clean up their messes and return the environment to its natural state. (Individual, Parowan, UT – 42071)

With many local governments depending on PILT [payment in lieu of taxes] funds derived from Forest Service projects within their states, a revision of the determination of sufficient funding for schools and counties should be considered when reviewing the Governor's petitions for roadless areas within their respective states. States laws, such as enabling acts (NFs [National Forests] in Texas or NFs in South Carolina as examples), should also be addressed to determine if the Forest Service should continue to encourage the creation of additional "wilderness" or "roadless" areas in each state. (Organization, Cleveland, TX – 85398)

Is it true that, in the larger picture, locals have a better perspective of how to treat their lands? It seems that the same story is told over and over again in this regard, and the story is one where local people want to make a quick buck off the landscape, regardless the long-term cost. People more distant, with less to gain from a given project, tend to take a more conservative view. If the locals of Jarbidge, Nevada had their way, there would be no bull trout in the Jarbidge river, but there would be a one-mile ATV trail to a campsite there. (Organization, Tucson, AZ – 1686)

In our view, the homebuilding industry does not need timber from the currently roadless areas of our national forests. In January 2001, the then-Chief of the Forest Service noted that the Roadless Rule would only affect about one-quarter of one-percent of the nation's timber supply. Even if this estimate were very low, we do not see any harm to housing costs. Although lumber prices have recently risen significantly, there is no suggestion that the price increases would be reversed by replacing the Roadless Rule. (Business, Los Angeles, CA – 5445)

Wood for houses is not necessary. Our forest that provides our water and oxygen is necessary. Build house out of bricks or anything but wood. (Individuals, Beaverton, OR – 6485)

If wood harvesting is permitted in what are now the roadless areas of national forests, end users would have to put in place very costly and burdensome inventory control systems if they wanted to avoid such wood products. (Business, Los Angeles, CA – 5445)

Encourage the Bush Administration to research alternative sources of fuels and supplies for paper. If we change our way of life there will not be the need for trashing old forest. (Individual, Baltimore, MD – 33730)

Those new roads will go north and south, and will add a wonderful beacon for an area that has no undocumented aliens walking through it, that will trash that area if that transmission line is ever built. (Individual, Tubac, AZ – 43122)

Last, but surely not least, have you given any consideration that these “simple roads” will be an open invitation to any terrorist(s) who could easily use them to gain access to these forests, start a series of fires, create some basic roadblocks and simply drive back down the roads and disappear? The codification of this one anti-environment regulation could setback Homeland Security by decades. Please consider these shortcomings seriously. (Individual, No Address – 49121)

### **32. Issue: The Forest Service should build roads in roadless areas**

#### **TO CREATE JOBS AND PROMOTE THE ECONOMIC STABILITY OF RURAL COMMUNITIES**

As you know, there are also economic benefits to modifying the policy. Improving timber availability here creates jobs for sawmill workers, loggers, and others who work in the paper and wood products industries. Competition from outside the US has increased in these fields, and the changes that have been proposed to the management plan will help to create and retain jobs here in the U.S. (Elected Officials, Madison, WI – 1414)

The development of any forest policy should consider impacts on private, state, county, tribal, and other ownerships adjacent to federal lands as well as impacts to small mills in rural communities. This is particularly true when the federal ownership represents a large percentage of the forested land base. (Business, Seeley Lake, MT – 1481)

The rule change is also a step toward addressing the concern that the current plan has worked to restrict access to timberlands and harmed Montana’s local economies. Since 1990, 22 Montana sawmills have closed, laying off hundreds of workers and leaving others to pick up the tax burden. Better management as called for in the rule may help put workers back to work, and reduce fire danger in our state. (Individual, Helena, MT – 2547)

Our industry has been decimated and our economy is horribly wounded because of inappropriate and bad decisions forced upon us by outsiders who are not effected by the “intended” results. It is time to give back the processes to the local government and its citizens. This Roadless Rulemaking would be a good place to start. Oregon’s unemployment rate is the highest in the nation. Local control will help us a lot. (Individual, Phoenix, OR – 3522)

Proper logging can improve forest conditions, reduce housing expense, and increase employment at a time when it’s badly needed. (Individual, Sebring, FL – 3921)

I urge you to reverse the current roadless ban on national forestland. The ban has had a devastating effect on the economy in the Pacific Northwest. I believe in a multi-use forest! It has been my observation that supporters of the ban set up stations to waylay tourists off the cruise ships and have them sign petitions they don’t understand! Visitors from Iowa don’t understand that timber is a renewable resource or that the roadless ban in the Tongass caused the loss of thousands of jobs. (Individual, Friday Harbor, WA – 4961)

Multiple use of all public lands is vital to local economies. Locking large blocks of land for only special interests has damaged these local economies. This damage has had a ripple effect on the state and national economy as well. These forests need management for health as a great natural resource. (Individual, Ontario, OR – 19873)

At West Elk Mine in Colorado, the January 12, 2001 Roadless Area Conservation Rule (Map 1) would prohibit access to millions of tons of high quality, low sulfur coal. The result would be the premature closure of the mine due to the inability to add to the reserve base, threatening high paying jobs in a rural part of Colorado. The FEIS noted that the economy of the region was inelastic, meaning that if these jobs were lost it would not be possible to replace them with equal or more high-paying jobs. (Business, Wright, WY – 37373)

AMA's members produced 67% of the nation's newly-mined copper in 2003 and directly provided jobs for 5,900 people, mostly in rural areas. AMA's members explore for minerals and operate on National Forest System lands and AMA is concerned that the roadless area rules may unduly limit future mineral exploration and development opportunities on National Forest System lands. (Organization, Phoenix, AZ – 1913)

#### **TO IMPROVE OR MAINTAIN A RURAL LIFESTYLE OR THE QUALITY OF PEOPLE'S LIVES**

The management of federal lands is a key to many of our rural counties. Since more than half of our state is owned by the government, decisions that undermine multiple-use activities can have a dramatic impact on farm families and the communities they live in...It's at the local level where decisions can best take into consideration the true impact of the rule. When grazing permits or timber harvest is impacted, it's not just the producers who suffer, but also the wide range of businesses who support these base industries and provide for the financial stability of our rural communities. This would include all of the suppliers and processors that depend on agricultural goods being produced off the national forests. (Organization, Orland, CA – 1470)

Montanan's rely on their forests for employment, recreation, and heat. A major part of Montana's heritage comes from the timber industry. Today, many families still rely on the timber industry to feed them, provide housing, and heat. With the rising cost of energy more and more families depend on wood as an economical heating source. (Individual, No Address – 9589)

Our member companies and the millions of riders who use our products off-highway have a vital interest in the use and management of public lands. We share the United States Forest Service's (USFS) desire to sustain the health, diversity, and productivity of our lands for the use and enjoyment of present and future generations. We believe that the current roadless area proposal, with its flexibility and its focus on state and public participation, can help meet this objective and still provide millions of enthusiasts abundant recreational activities. (Organization, Arlington, VA – 89266)

#### **TO PRESERVE A LEGACY FOR FUTURE GENERATIONS**

We must get beyond the simplistic idea that neglect of our public lands is ever benign, or that active management is necessarily destructive. Our public lands are treasures to be cherished, and even the most expert of absentee landlords are poor substitutes for the oversight of careful and concerned residents. The governors and county commissioners of each state, duly elected and subject to periodic review by voters are in an ideal position to recommend the best balance of multiple use and protection of truly trackless acres. We live here. We work and play here. We want our children and grandchildren to be able to experience the same joy and wonder that we have at the beauty of Idaho's forests. We have a special connection with the land, a personal responsibility for the resources and a vested interest in seeing that they are sustainable. Governors will answer to their constituents for any failure in stewardship. (County Agency, Cascade, ID – 2230)

### **33. Issue: The Forest Service should not build roads in roadless areas**

#### **TO PROTECT JOBS AND PROMOTE THE ECONOMIC STABILITY OF RURAL COMMUNITIES**

National Forests in general, and roadless areas in particular, should not be managed merely to create a short-term economic bonanza and long-term devastation. Many of those ruined towns would now be flourishing, prospering on the economics of recreation and of providing a desirable residence to a population increasingly united from a particular place, had they been willing to view

their resources on a long-term basis. Public land should not be managed in the short-term, short-sighted interest of a handful of local interests, but in the long-term interest of the country as a whole. (Individual, Seattle, WA – 725)

Outdoor tourism is a substantial part of our economy and it centers around National Forest Roadless Areas. (Individual, Glenrock, WY – 1163)

Opening up roadless areas to logging and other industrial activities is an economic failure. There is far more economic benefit in recreation and the environmental services, such as clean water, provided by roadless areas than from industrial activities. (Organization, San Francisco, CA – 1498)

The Forest Service cannot hope to control the destiny of rural communities. The timber industry inherently booms and busts. The Forest Service should allocate the National Forests to their highest and best use by protecting them for multiple benefits: clean drinking water, protecting habitat for native species (including threatened and endangered species), carbon sequestration, and public recreation. This is completely consistent with multiple-use and with the will of the majority of the American people. Protecting roadless areas and all federal lands will in fact help stabilize rural communities by helping to attract businesses that want to locate near healthy environments where they are more likely to be able to hire and retain high quality workers who want quality of life. (Organization, Eugene, OR – 1512)

Intact roadless areas are increasingly important to the region's economic well-being. Numerous studies by both government and private researchers have shown that these areas have greater economic value if left in their current, wild condition. In 1996, the Forest Service spent \$95 million to construct and reconstruct roads, as well as \$4.3 million to remove roads no longer in use. The Forest Service can only afford maintenance on 18% of its roads, and would require an additional \$8.5 billion to restore the rest. It is far more profitable to maintain roadless areas than to maintain roaded areas on public lands. Changes in the nation's economy also indicate that roadless areas will benefit local economies in most areas far more than extractive uses...Many regional economists argue that the protection of the remaining roadless areas is essential to our landscape-focused local economy. Recent economic trends indicate that the growth of small businesses and tourism related to landscape amenities such as vast tracks of roadless lands are becoming much more important to thriving local economies than extractive industry...The environmental-based amenity of roadless lands for local communities is not the only economic factor that needs to be considered. Roadless areas also curb federal spending because they retain their natural functions and provide quality wildlife and fisheries habitat. Because roadless areas are generally ecologically intact, the Forest Service does not need to conduct extensive restoration projects. These projects, funded by our tax dollars, are required to clean our water, replant forests, and restore wildlife habitat. The high cost of developing projects in roadless areas, and the additional costs of Endangered Species Act protection, stream restoration, and conservation planning, is an unnecessary tax burden on the public. (Organization, Bozeman, MT – 1684)

Economic Benefits: There is considerable economic benefit to keeping these areas roadless, according to the Outdoor Industry Association, which represents an \$18 billion industry: "Roadless lands have tremendous value as wild backcountry destinations and as economic drivers for communities across America. Because of outdoor recreation's enormous economic benefits, policymakers must recognize the economic value of outdoor recreation as a top priority, not a secondary consideration, when it comes to making decisions about our public lands. (Organization, Washington, DC – 2226)

Consider also that opening the roadless areas will hurt the smaller tree farmers (and also the economics of many states) and, therefore, is opposed by them. (Organization, Portland, OR – 2228)

Roadless areas play a tremendous role in our nation's economy. Annually, outdoor recreation is an \$18,000,000,000.00 industry, and places such as roadless areas contribute to the widespread popularity of outdoor recreation and also preserve that sector of our economy for future generations. (Organization, Boulder, CA – 3213)

The Bush Administration and other opponents of the roadless rule also like to claim that the rule will be “bad for the economy.” Nationwide, the roadless rule would reduce timber and natural gas production by only 1 and 2 percent respectively, according to the U.S. Forest Service’s own estimates (Minneapolis Star-Tribune, December 27, 2002). That this impact is so minimal is due to the fact that so little federal land remains roadless, and that most of this remaining roadless land has been left alone because it wouldn’t be productive anyway. (Individual, Marenisco, MI – 9195)

In addition, protected roadless areas bring a diverse array of significant economic benefits to communities. Protected lands supply far more than just intangible or intrinsic values. Although the revenue from resource extraction or developed commercial sites or motorized use may be obvious, wilderness and roadless areas and other undeveloped lands also provide substantial financial benefits. These economic values can be divided into eight categories: recreation use benefits, community benefits, passive use benefits, scientific benefits, off-site benefits, biodiversity conservation, ecological services, and educational benefits (see Loomis, J.B. and R. Richardson. 2000. *Economic Values of Protecting Roadless Areas in the United States*. The Wilderness Society, Washington, D.C. 34 + vii pp.; incorporated by reference). (Organization, Charlottesville, VA – 19437)

Using measures of income, employment, and the location and extent of roadless areas and other protected areas, economists have demonstrated that environmental protection most often does not come at the expense of either income or employment growth in the western United States. As more studies of the economics of protected areas emerge, it is apparent that protection and sustainable management of national forests play an important role in the diversification of the economic engine of the West. Coupled with the value that these areas provide in ecological services, open spaces, and quality of life amenities, a strategy that truly protects roadless areas is an investment both in sound conservation and sustainable economies. (Organization, Charlottesville, VA, 43130)

I have worked closely with local governments and the business and conservation community to provide permanent protection to areas in our national forests that were suitable for wilderness designations. These protected lands have not caused adverse economic conditions on our local governments or reduced employment in neighboring businesses. In fact, many would say that there have been positive economic benefits from increased tourism in these areas. (Organization, Charlottesville, VA – 43130)

The effect of prohibiting Roadless area timber sales on the timber industry and employment would be minimal. Forgoing the entire 220 million board feet of annual timber sale offerings in Roadless areas over the next five years would result in only a 7% reduction in the Forest Service’s planned timber sale program. The impact on total U.S. timber production, which averages about 83 billion board feet per year, would be miniscule - about 1/4 of 1%. Similarly, the 1999 Roadless DEIS estimates that a prohibition on Roadless area logging would theoretically result in a loss of just 820 timber jobs, which is 3% of all national forest-based direct timber jobs and less than one-tenth of 1% of all U.S. wood products employment. (Organization, Eugene, OR – 1512)

In December 2003, one hundred economists sent the Bush Administration and 11 western governors a letter telling them that protecting and enhancing the quality of the region’s natural environment would strengthen the ability of western communities to generate more jobs and higher income. Clearly, dismantling the Roadless Area Conservation Rule and allowing increased logging in pristine roadless areas will have the opposite effect. (Organization, Missoula, MT – 2153)

An analysis commissioned by Oregon Natural Resources Council and World Wildlife fund found that in eleven Western states, the mere presence of protected lands, including roadless areas is associated with growth in both employment and income. Clearly, protecting roadless areas on National Forest lands has economic benefits and values that can be monetized and would be placed at extreme risk if the 2001 Roadless Rule is eliminated (Organization, Washington, DC – 2226)

Here in Colorado, while extractive industries only contribute 1.28% to our state's total employment, 13.29% of our state's total employment is provided by the recreation industry. Coloradoans alone spend an estimated \$200,000,000.00 on outdoor recreation merchandise each year. Bird watchers, anglers, hunters, rock and tree climbers, backpackers, off-road vehicle operators, day hikers, biologists and other scientists, and probably even you benefit in some way from the healthy, wild character of roadless areas. There are many economic values of roadless areas that undeniably exist but are extremely difficult to estimate. For example, many of the tourists that visit Colorado every year come to our state to enjoy the scenic beauty and wild pristine quality of our wilderness and roadless areas. These tourists contribute tremendously to our economy. Keeping roadless areas off limits to development can only continue to benefit our state's economy and add to Colorado's amazing natural legacy. (Organization, Boulder, CA – 3213)

[T]he Roadless rule is good for the economy. According to the U.S. Department of Commerce, Bureau of Labor Statistics, jobs in the extractive industries are a small portion of the total jobs in the Rocky Mountain Region, while recreation related employment is about 6 times as large for the region as a whole. And the USDA Forest Service estimated that in 1999, our National Forests provided four recreation- and conservation-based jobs for every job related to extraction. Seeing these numbers brings the question of who are the few who will really benefit from repealing this rule? (Individual, Leesburg, VA – 10860)

Access to roadless areas is critical to the long-term health of our industry and the citizens of our nation. Studies show that access to outdoor areas provides an easy way for people to maintain reasonable fitness levels by walking, hiking, camping, cycling, and paddling. It is also good business. At a recent summit in Washington DC, the lawmakers with whom the OIA board members met were convinced that getting people outside and moving was the answer to an obesity health crisis time bomb. (Business, Madison, WI – 9605)

I also urge you to promote more managed forests by the lumber companies and reforestation of the lands they already own or lease. (Individual, Mechanicsburg, PA – 34170)

Our national forests are for ALL Americans, regardless of income. This national asset is often one of the few that the 'lower income' population can enjoy. These protections should be a national policy, not one that the states control. (Individual, Burlingame, CA – 44454)

Use Tesla type technology for energy, and concrete and steel for building. Give Mother Earth a break! (Individual, Auburn, NY – 73705)

#### **TO IMPROVE OR MAINTAIN A RURAL LIFESTYLE OR THE QUALITY OF PEOPLE'S LIVES**

The woods and waters of Gravina Island and the Cleveland Peninsula are critical areas for Ketchikan and the residents of surrounding communities for subsistence hunting, fishing, gathering, sport and commercial fishing, and wildlife viewing. I work for a remote logger on the Cleveland combined with a transportation firm in Ketchikan. My livelihood and that of 90 other year-round employees depend on an abundant and sustainable wildlife habitat that exists because this area is roadless. Our clients pay \$1,000 dollars a day precisely for that reason. It is special to them and it is special to us. Please keep our remaining National Forest ROADLESS! (Individual, Ward Cove, AK – 36480)

Protecting these table-scrapes of unroaded nature, the vast majority of which hold very little of material value (but all of which hold incalculable material of spiritual value) to human beings is such a cheap and small concession to the natural world that most people unconnected with the logging industry find it immensely painful, confusing, and sorrowing to discover that our government believes—this rich civilization of ours—the richest on earth, ever—somehow cannot bear the cost. Letting these remnants of the wild slip away and become so many more pieces of weedy, denuded landscape, crisscrossed with pointless logging roads, really is the equivalent of trading a kingdom for a bowl of porridge. So little is left, its protection can be had so cheap, and yet for some reason our government thinks the cost too dear. (Organization, Tucson, AZ – 1686)

I want the roadless rule continued. I do not want any roads on land near my land. It would degrade streams running through my land and generally degrade the value of my property in Alleghany County, Virginia. (Individual, Waynesboro, VA – 16344)

Millions of animals die while crossing roads each year. When roads are put through wilderness areas the number of deaths rises dramatically, not to mention the risk to cars and the people in them while driving across paths of deer, elk, moose, bears, and mountain lions, to name a few. (Individual, Ann Arbor, MI – 48812)

Our history reveals that once a path has been chosen, once policies have become entrenched, reversing that course of action has proven difficult at best and impossible at worst. Roadless areas deserve our vigilance and unmitigated protections, for the hangman's noose must be given slack or risk breaking the neck of our great nation. (Individual, Santa Cruz, CA – 70549)

It is also well documented that the destruction of forests and animal habitats over the past decades has caused an increased migration of wild animals into our cities and towns. It is not unusual to now find bears, coyotes, and foxes now in areas where they have never been seen before. This imposes a serious safety concern to our children. Let's continue to preserve our wild forests by keeping the Roadless Area Conservation Rule intact and keeping the timber industry out of our national forests. (Individual, Wooster, OH – 78951)

The weakening of roadless area protection only promotes antagonistic relationships between those who seek the preservation of wild country with those working to actively manage our national forests for economic reasons. (Organization, Troy, MT – 1497)

Good science supports the fact that without a clean environment and truly sustainable resource management, America's people will 1 – get more disease and illness, and in the long run it will cost the nation billions; and 2 – we will have exhausted nature's ability to regenerate and its natural cleaning systems. (Individual, Nantucket, MA – 72942)

We have already destroyed and fragmented much of our woodland and the scientific journals are oozing with papers on the negative results that follow this disturbance. These are not limited to species extinctions and decreased air quality, but rather include some more interesting issues such as emerging diseases. (Individual, No Address – 77452)

#### **TO PRESERVE A LEGACY FOR FUTURE GENERATIONS**

Roadless areas are a legacy that we can leave for future generations. Presently, we enjoy them, as do our children and grandchildren. We camp and hike through these areas whenever we can set aside the time. They are unequalled to other areas of public land in their naturalness. (Individuals, Stevensville MT – 1110)

I am writing today to ask you to protect the remaining roadless areas in our great National Forests and Grasslands from development of any kind. I have a three year old daughter and one more child on the way in March. It troubles me greatly to think that my children and grandchildren will not be able to enjoy the same unspoiled wilderness that was introduced to me by my father and to him by my grandfather. I have just started taking my daughter on short day hikes in the North Cascades and around Mt. Baker. I delight in the joy she shows in discovering the wonders of truly unspoiled wilderness. Please do not cave in to those who wish to exploit our great National Forests for short term economic gain while turning a blind eye to the greater long term value these lands serve in their natural and unspoiled state. Once wilderness is gone it is gone forever. Please protect the remaining roadless areas in our great National Forests and Grasslands from development of any kind for the current and all future generations. (Individual, Lynnwood, WA – 1302)

I am conservative by temperament and through experience. I recognize radical politics when I see them. And the proposed abandonment of something that has been at the core of our national identity, something that we had vowed to bequeath to our children and their children, is nothing if not radical. Freedom is not primarily the freedom of the rich to get richer, without regard for the human and natural consequences of the process. A government or a policy that favors that kind of

freedom is not a conservative expression of democracy. It is a very thinly disguised expression of oligarchy. And oligarchy—government of the rich, by the rich, and for the rich—poses the gravest, most insidious, and most relentless threat currently confronting this country and its most cherished and most honorable traditions. These are not small matters of the politics of the year 2004. What is at stake is something that humanity did not create. If it is destroyed, humanity cannot restore it. (Individual, Bowdoinham, ME – 1322)

As one who lives near an area which would be negatively affected, I am appalled that the federal government would, in essence, try to destroy any protection for vast pristine acres. These roadless areas are for the public to enjoy, for our children to enjoy, for our grandchildren to enjoy. To end the current roadless protection would be to rob future generations of one of its most precious legacies. Millions of Americans now and millions more in the future will enjoy the roadless wilderness for hiking, fishing, hunting. To open these forested areas to commercial development, whether it be logging or mineral extraction, is to destroy an irreplaceable part of our country. (Individual, Pleasant Hill, TN – 1338)

My family has hiked and camped in many national forests with roads, and in wilderness areas with no roads. Both types of national forest serve different purposes, but we must protect the existing roadless areas for the future generations. Once roads are developed, they cannot be taken back. (Individual, Tucson, AZ – 1347)

Generations to come can enjoy the opportunity for renewal that being in a quiet, undisturbed wilderness area affords. We especially need this, given our more stressful lives, and the fact that the national debt is growing and our grandchildren will be burdened with paying for it. (Individual, Missoula, MT – 1393)

How can our country's leadership fail to recognize the great gift of our natural heritage, which we have the moral obligation to preserve for future generations of Americans and as a treasure for the world? (Individuals, Charlestown, NH – 2687)

The strong federal protection of this original rule is the only way to ensure that the ecological and economic values of roadless areas are preserved for our grandchildren, and for their grandchildren. (Organization, Boulder, CA – 3213)

I ask you not to mess with wilderness/roadless areas. They also have value as heritage for future generations and for their as yet undiscovered uses that only time will reveal. (Business, Bridgeville, CA – 5615)

All needs to be preserved for future kids and families to enjoy and learn from as our boys have over the last 25 years. We cannot replace lost natural wonders that God created. (Individual, Fresno, CA – 15681)

As someone who has spent a considerable amount of time exploring our nation's wilderness areas in the states of California, Oregon, Washington, New Hampshire, and Vermont, I can say, unequivocally, that protections for roadless areas must be strengthened rather than drastically curtailed. The quest for discovery served as the original impetus for the migration westward. We, as a people, marveled at the vastness of our nation, the sustenance that the land produced, and the natural treasures that opened our eyes and hearts to possibilities once reserved solely to the space in dreams. This is our foundation and a legacy we can not, and should not, forget. (Individual, Santa Cruz, CA – 70549)

Access to roadless areas is critical to the long-term health of our industry and the citizens of our nation. Studies show that access to outdoor areas provides an easy way for people to maintain reasonable fitness levels by walking, hiking, camping, cycling, and paddling. It is also good business. At a recent summit in Washington DC, the lawmakers with whom the OIA board members met were convinced that getting people outside and moving was the answer to an obesity health crisis time bomb. (Business, Madison, WI – 9605)

Poorer states will have greater economic incentive to decimate their public lands. Please keep the rules and regulations at a national level so all states' Federal Forest Lands will be managed by common metrics. It is the only way to ensure that the land stays public and to resist the graft and



economic pressures that lead to development of our conserved land. (Individual, Seattle, WA – 57464)

**34. Issue: The Forest Service should develop roadless areas to promote private industry.**

Please do not enforce the Clinton Administration's Roadless Rule. The lack of Forest Service management has already taken a toll on the health of our National Forests across the country. Hundreds of sawmills have closed in recent years due to the dramatic reduction in the Forest Service timber management program. Current forest planning procedures need not be gridlocked with additional restrictions making it impossible for professional foresters to do their job. (Individual, Delta, CO – 5660)

We need more economic activity in our national forests! The income provided is essential for counties to provide educational services. The federal governments own too much land and cannot take care of what it has. The national polices are a joke. (Individual, Burnsville, NC – 40311)

**35. Issue: The Forest Service should not subsidize private industry through the development of roadless areas.**

For decades Forest Service Region 1 has spent far more administering timber sales than it has earned from sales, and these were sales in the easier to administer, road, and log lands. These last, unlogged roadless lands remain because they are difficult and expensive to reach and road, do not contain high value timber, or if so, growth conditions make the sale "timber mining", because the resource is essentially non-renewable because of slow growth rate. The sale thus becomes a *de facto* timber industry subsidy or corporate welfare, which is exactly what proponents want. (Individual, Lolo, MT – 1180)

As we utilize these areas for resource extraction, we should attempt as much as possible to target areas that are less desirable from a recreational or wilderness designation standpoint, and we should certainly insure that these resources are leased at a fair market value cost. The additional revenue could be applied to reclamation and replanting activities. (Individual, Noblesville, ID – 1305)

Generally, the income from logging these areas never approaches the cost of developing and maintaining these roads. This is a corporate handout that should not be supported by our tax dollars. The existing roadless areas must be preserved. (Individual, Tucson, AZ – 1347)

It is essential...that everyone being to recognize that these are PUBLIC LANDS. These lands are not owned by the Forest Service and are not owned by the timber interests. In my opinion, your actions have demonstrated historically that the Forest Service seems to be funding itself through timber sales on public lands conducted at a fiscal loss and therefore benefiting only the Forest Service and timbering interests. (Business, Covington, LA – 1371)

There's an economic reason that Inventoried Roadless Areas don't have roads—they are too remote and inaccessible to have made resource extraction profitable or even doable. To access these areas would not only cause environmental harm to some of our last remaining wild places that make this country great, but would cost our nation millions of dollars in subsidies. (Organization, Missoula, MT – 2153)

The proposed changes to the 2001 Roadless Area Conservation Rule, which amounts to a total abandonment of the Rule; reverting to the status quo, would generate more opportunities for the U.S. taxpayer to subsidize logging on National Forest lands. From 1998-2002, the timber industry received \$140 million in subsidies for road building from the federal government. The Tongass National Forest in Alaska offers a prime example of taxpayer waste and fraud. This forest supports a road system of 5,000 miles with an estimated backlog of deferred maintenance and improvement needs of \$900 million. The Forest Service reported in 2003 that the roads open to passenger cars in southeast Alaska "is sufficient to satisfy the local demand for roaded recreation, subsistence, and community connectivity needs and demands in most districts." Opening roadless areas on the

Tongass National Forest to road construction and logging, as proposed by the agency, will simply benefit the timber industry and cost the US taxpayer millions of dollars more in timber industry subsidies. (Organization, Washington, DC – 2226)

For many years I have been concerned by the building of forest roads at public expense to make it possible for lumber companies to harvest timber from national forest at bargain prices. (Individual, Lynchburg, VA – 2695)

Over the years, public lands have been turned into subsidized support for industry. We now need to protect what little is left. This is a National heritage and not assets belonging solely to the “locals.” The Roadless Rule Policy will give local decision-makers boundaries that are environmentally defensible. This rule should not be reopened for the sole benefit of the timber and extractive industries. (Individual, Juneau, AK – 2696)

Logging national forests costs taxpayers over \$1 billion a year- all of this to supply less than 2 percent of the nation’s total annual wood consumption. Each year, the federal logging program generates a net loss of over \$1 billion dollars to U.S. taxpayers, who are forced to subsidize private logging companies to cut down our treasured National Forests. When these areas are logged, valuable recreation, fishing, and hunting sites are destroyed. Taxpayers must pay once again for the costs of restoring areas damaged by logging. Logging on national forests hurts small businesses. Ending logging on public lands would greatly increase the value of private woodlands and the wood they contain. Forest Service timber sales are heavily subsidized, and, as such, they are anti-competitive. Subsidized timber sales on National Forest lands place private, small-scale producers at a competitive disadvantage. Subsidized National Forest timber sales also create market barriers for alternative fiber producers and recyclers. (Individual, Anchorage, AK – 3736)

Designating roadless areas in our national forests is an economically sound policy that saves taxpayers millions of dollars in road building and timber sale subsidies. As professional economists, we urge the administration to reverse its decision-to replace the Roadless Area Conservation Rule for the following reasons: 1. The administration’s proposal will increase public subsidies to private timber companies. Opening 58.5 million roadless acres to subsidized road building will increase the amount of wasteful federal giveaways. Private timber companies already receive tens of millions of dollars each year to build more forest roads at taxpayer expense, and use those roads to access timber purchased below market prices. The Government Accountability Office (GAO), the investigative arm of Congress, estimates that the Forest Service timber program cost American taxpayers over \$2 billion from 1992 to 1997. The timber program continues to lose as much as \$400 million each year, but the precise amount is unknown because the Forest Service lacks adequate record keeping. (Organization, Charlottesville, VA – 43130)

It is well known within the timber industry and federal forest land management agencies that there is no recent or likely future shortage of wood products (principally timber for construction) available to the American republic. (Individual, Eugene, OR – 7939)

I cannot think of a time in the past 40 years when there was less reason to open up these lands to development, whether for wood fiber or motorized access. U.S. Timber companies are rapidly moving their assets to foreign countries where they can grow fiber more efficiently than our best forest lands, let alone the general less productive roadless areas proposed for development. They are rapidly selling off their domestic forest lands or changing them to non-forest uses. Federal land managers do not have a reasonable market for timber from any of the federal lands, much less the roadless areas. Should we simply give away the public timber as a subsidy while incurring damage to all the non-timber resources? Other values of these forests far outweigh doing this. (Individual, Pullman, WA – 81255)

It’s time to stop fighting over forest scraps. Its time for the dying towns and disappearing “county families” to make a fresh start...Get some guts...Give up the romance that mining and logging can be revived... Its time to grow up and realize the national forests are not theirs and will not provide them the WELFARE “jobs” they want. Its time for the USDA to nurture new businesses that honor the peace and quiet of America’s National Forest. (Individual, Seattle, WA – 202)

Our natural resources are disappearing too fast without encouraging additional destruction. I think if money is to be made by doing this, the profits should revert to the taxpayers, not private enterprise. (Individual, Manchester, CT – 42729)

Moreover, increased logging will depress prices for non-industrial private forests (NIPF), making forestry less attractive to them relative to development, spurring loss of more forest. (Individual, Sewanee, TN – 36478)

It should be the private interests that intend on profiting from public lands that have to go through the process of petitioning. (Individual, Mountlake Terrace, WA – 43960)

From a strictly economic perspective, the proposal to abandon the Roadless Rule represents the kind of distorted economic subsidy that fails to recognize that: (1) most of the West's economy today does not depend heavily on logging and other extractive industries because of the declining ability of these industries to generate new jobs and higher income; (2) such activities as subsidized road-building into roadless public lands do nothing more than prop up activities that would not take place under efficient market conditions; and (3) the West's natural environment is now arguably its greatest long-term economic asset (because natural landscapes undermine a quality of life that attracts and holds productive families, retirees with their savings, and private firms with investment capital. On 3 December 2003 a letter signed by over 100 economists, most from western states, was sent to President Bush and the governors of AZ, CA, CO, ID, MT, NM, NV, UT, WA, and WY emphasizing exactly these points, and I strongly suspect that the same economic arguments will apply to communities surrounding national forests lands in most parts of the United States. (Individual, Orem, UT – 55628)

We are aware that we get most of our wood from Canada, not here in the U.S. So Americans do not use the lumber from our forests anyway. The lumber is sold to other countries. Economics has no place in Nature or our Forests. (Individual, New Orleans, LA – 70820)

The question is not, "Do National Forest users, resource extraction industries, and land managers want and require continued access to the National Forests?", as would be suggested by the text of the proposed rule change, but rather, "Do the benefits of maintaining roadless areas exceed the costs of extending and maintaining the existing road network?". (Individual, Portland, OR – 77458)

### **36. Issue: The Forest Service should spend the money required for developing roadless areas on other priorities, such as maintenance of existing roads.**

According to the Roadless Rule notice in the Federal Register, there presently exists a backlog of about \$8.4 billion in deferred maintenance and reconstruction on the more than 386,000 miles of roads in the Forest Transportation System. Perhaps the Roadless Rule may allow a portion of current funding for road maintenance to be distributed more efficiently. (Individual, Annandale-on-Hudson, NY – 1327)

There is already a \$10 billion backlog for road maintenance nationwide, yet taxpayers would have to dig deeper into their pockets to help pay for the new roads Bush's team wants. (Individual, Missoula, MT – 1393)

We already have too many forest roads. The U.S. Forest Service cannot adequately maintain all 430,000 miles of roads that already exist in our national forests. A 2004 administration review found that the Forest Service "has been unable to demonstrate that it can maintain its current infrastructure needs." Adding new roads, combined with chronically inadequate funding of the roads maintenance program, have together created a massive road maintenance backlog in our forests, which now exceeds \$10 billion and continues to grow. (Individual, Stanford, CA – 1471)

The Federal Register says that the "total costs to the [federal] Government would range from \$2,925,000 to \$5,850,000," plus an estimated 39,000 hours of state government effort to prepare and defend petitions, plus untold hours of effort by the public who must take time away from their jobs, families, and forests to participate in the state petition process to defend their drinking water, and quality of life. Wouldn't this time, money, and human capital be better spent building better

communities, restoring forests and watersheds, reducing fuels near communities, or restoring dense young tree plantations, or fixing under-funded roads and culverts, or rehabilitating streams to protect fish habitat and water quality. Protecting roadless areas would not only save the time and money needed to process petitions but would also save the time and money that would be wasted on money-losing tax-payer subsidized timber sales that benefit only the timber industry and their political beneficiaries. (Organization, Eugene, OR – 1512)

The rule is also fiscally responsible as it allows the Forest Service to address the estimated \$10 billion backlog in needed road maintenance instead of using taxpayer dollars to subsidize building new roads. (Elected Officials (Members of Congress), Washington, DC – 2023)

Road Maintenance Backlog: The American taxpayers are forced to subsidize logging roads and timber sales that benefit timber companies to the tune of hundreds of millions of dollars per year, even though the Forest Service has a \$10 billion road maintenance backlog. (Organization, Washington, DC – 2226)

Leaving the existing Roadless Area Conservation Rule in place would permit the agency to focus its limited resources on the road system it presently “maintains” rather than constructing new roads that will never receive the attention they require. In fact, the President’s FY 2005 Forest Service budgets would cut the Deferred Maintenance and Infrastructure Improvement line by 68%; a strong indication the current administration has no intention of maintaining the existing road system. (Organization, Washington, DC – 2226)

2001 Roadless Area Conservation Rule is cost-effective since, if the roadless areas could be logged economically, they would have been logged long ago. Sales in the more remote areas are obviously more expensive. Further, that can only be done with great public subsidy, which should not be attempted today. (Organization, Portland, OR – 2228)

Roads are ubiquitous in two-thirds of National Forests. Lined up end to end, they could encircle the globe 15 times. With that magnitude, it is impossible to maintain all of them, creating a mind-bogglingly large backlog of repair work. Should we build more roads through wild areas when we are far from being able to maintain the road network currently in place? This question was answered in the negative by the Roadless rule. (Individual, New York, NY – 2535)

Furthermore, the existing road system is overbuilt and under-maintained and should be the primary focus of road management decisions, not entrance into roadless areas. Over 440,000 miles of roads are currently under Forest Service jurisdiction—enough to wrap the earth 16 times. Most of these roads are over 50 years old and do not meet current public safety or environmental standards. There is currently an \$8 billion road maintenance backlog that will probably not be caught up in any of our lifetimes. These maintenance figures are just for classified roads. If we add temporary and unclassified roads that need to be removed and decommissioned, the financial costs of just the existing road system increased substantially. (Organization, Eugene, OR – 3201)

Accordingly to Taxpayers for Common Sense (2004), each of the ten states with the largest backlog of road maintenance contains over one million acres of roadless area. If these areas are opened to roadbuilding, the backlog problem will only worsen. We agree with Taxpayers for Common Sense (2004) that “Until the Forest Service takes the step necessary to deal with the current backlog, it should not be building new roads that will only increase the future backlog problem (p.6).” To do so is an ecological and economic mistake. (Organization, Eugene, OR – 3201)

Instead of opening up more roadless lands to development, the Forest Service should focus its resources and efforts on maintaining necessary access roads and/or closing and revegetating the millions of miles of wildcat and logging roads that already riddle our national forests, and conducting legitimate forest restoration in the Ponderosa pine ecosystem. (Individual, Flagstaff, AZ – 12355)

Too many roads, a backlog of maintenance, a critical need to address community security in the forest-urban interface, an American public that wants balance restored to the management of national forests (less exploitation and more true multiple use management INCLUDING

wilderness and roadless), under-funded fire-fighting capacity and dilution of other funds for forest management, a burgeoning drought , and a USFS history of unnecessarily suppressing natural wildfires. A century of biased management in favor of the timber industry, fighting industry, and road building industry. When will balance EVER be restored? (Individual, Bigfork, MT – 35847)

The Forest Service and the current administration should do a lot more to educate the public in ways to conserve energy so that more and more oil and gas development are not needed. (Individual, Downingtown, PA – 28606)

We are affected by ongoing efforts to create new roads in the national forest near our ranch. Since the 1990s, unregulated user-created roads have led to erosion, invasive weeds, and fire hazards that create problems and expenses for private landowners. The area near our property is insufficiently patrolled by law enforcement. Before opening new areas to road construction, the existing areas with roads should be properly managed. (Individual, Albuquerque, NM – 2498)

Please invest the funds in retraining timber company workers in more productive endeavors. (Individual, Issaquah, WA – 76682)

Give farmers incentives to tree farm and to work with logging companies to cut the trees down. (Individual, Charlotte, NC – 77300)

**37. Issue: The Forest Service should *not* spend the money required for developing roadless areas on other priorities, such as maintenance of existing roads.**

If the people want more roads, give it to them. After all, I pay taxes. If the Forest Service needs more roads, so be it. (Individual, Guymon, OK – 14513)

One of the primary reasons cited for the need for the January 12, 2001 rule was the growing backlog in road maintenance. it was contended that these roads are creating environmental problems, including degradation of water supplies due to siltation from the roads. These arguments are not applicable to the coal industry. State and federal mining laws require that coal operators restore the land to a condition as least as good as the pre-mining land condition. In order to ensure that is accomplished, the coal operator must post a reclamation bond that is only released when this conditions met. Further, the coal operators must comply with very stringent technical and performance standards to guard against any environmental degradation. Failure to comply with the rules and regulations results in a Notice-of-Violation, a monetary fine, and the obligation to mitigate any damage. This means the environmental protection requirements and reclamation efforts are taken seriously, and to the satisfaction of the Forest Service. (Business, Wright, WY – 37373)

**38. Issue: The Forest Service should conduct cost-benefit analyses before the proposed rule is issued.**

We must protect our wild forest from road-building and commercial logging which does not capture the cost of externalities to the environment. My request is that you guys make every effort possible to ensure externalities are captured in the cost of the downstream products provided by the consumption of these environment resources. (Individual, Lakeland, FL – 43589)

**39. Issue: The Forest Service should not restrict natural resource development**

**IT WOULD CAUSE THE U.S. TO BE TOO DEPENDENT ON FOREIGN RESOURCES**

With our population expanding and the rest of the world's timber resources declining, we should not put any more of our own timber resources off limits to harvesting! (Individual, Lyme, NH – 5437)

We need to manage our forests, it makes no sense to let our forests burn and impact our wood products and increase our foreign trade deficit. (Individual, Levinia, MT – 36130)

I urge you to open up these areas especially with our now current dependence on foreign oil such as Iraq. I have changed my stance because there will be no wildlife anyway unless we look at other alternatives and more self support than foreign support in terms of oil. (Individual, Zeeland, MI – 40960)

Please make timber available for our Forest Industry, without it we will be controlled by imported wood products the same as the Petroleum Industry is now. (Individual, Klamath Raus, OR – 25492)

The rule prohibiting road construction in inventoried roadless areas did not take into account a study sponsored by the Department of Energy that found that changing roadless boundaries by 5 percent would yield 10 trillion cubic feet of natural gas at a time when domestic supplies are declining. This is just one example of the valuable resources that can be safely extracted from properties in the National Forest system. Instability in current energy supplies makes these resources even more valuable. Furthermore, these resources are not limited to carbon-based sources such as oil or natural gas. Alternative sources such as wind, hydro and thermal power can all be harnessed through innovative and environmentally sound methods. (Organization, Washington, DC – 81)

**GREATER RESOURCE PROTECTION IN U.S. CAUSES GREATER ENVIRONMENTAL  
DEGRADATION GLOBALLY**

The local importing of wood products also has a detrimental global impact. In 2002, Harvard University published *The Illusion of Preservation—A Global Environmental Argument for the Local Production of Natural Resources* by Berlik, Kittredge and Foster. In their summary they make the following statements: “Thus, although citizens of affluent countries may imagine that preservationist domestic policies are conserving resources and protecting nature, heavy consumption rates necessitate resource extraction elsewhere and oftentimes under weak environmental oversight.” “Mainstream environmentalist ideology must embrace multiple uses of the forest including harvesting—and local citizens must consider the use of resources in their own backyard while maintaining a keen awareness of the global environment.” Sohngen, Mendelsohn and Sedjo produced a study that “predicts the loss of 2.5 acres of forest in Asia, South America, Africa and the former Soviet Union for every 50 acres set aside and protected in North America and Europe. (Individual, Lyme, NH – 5437)