



United States
Department of
Agriculture

Forest Service

Colorado
National Forests

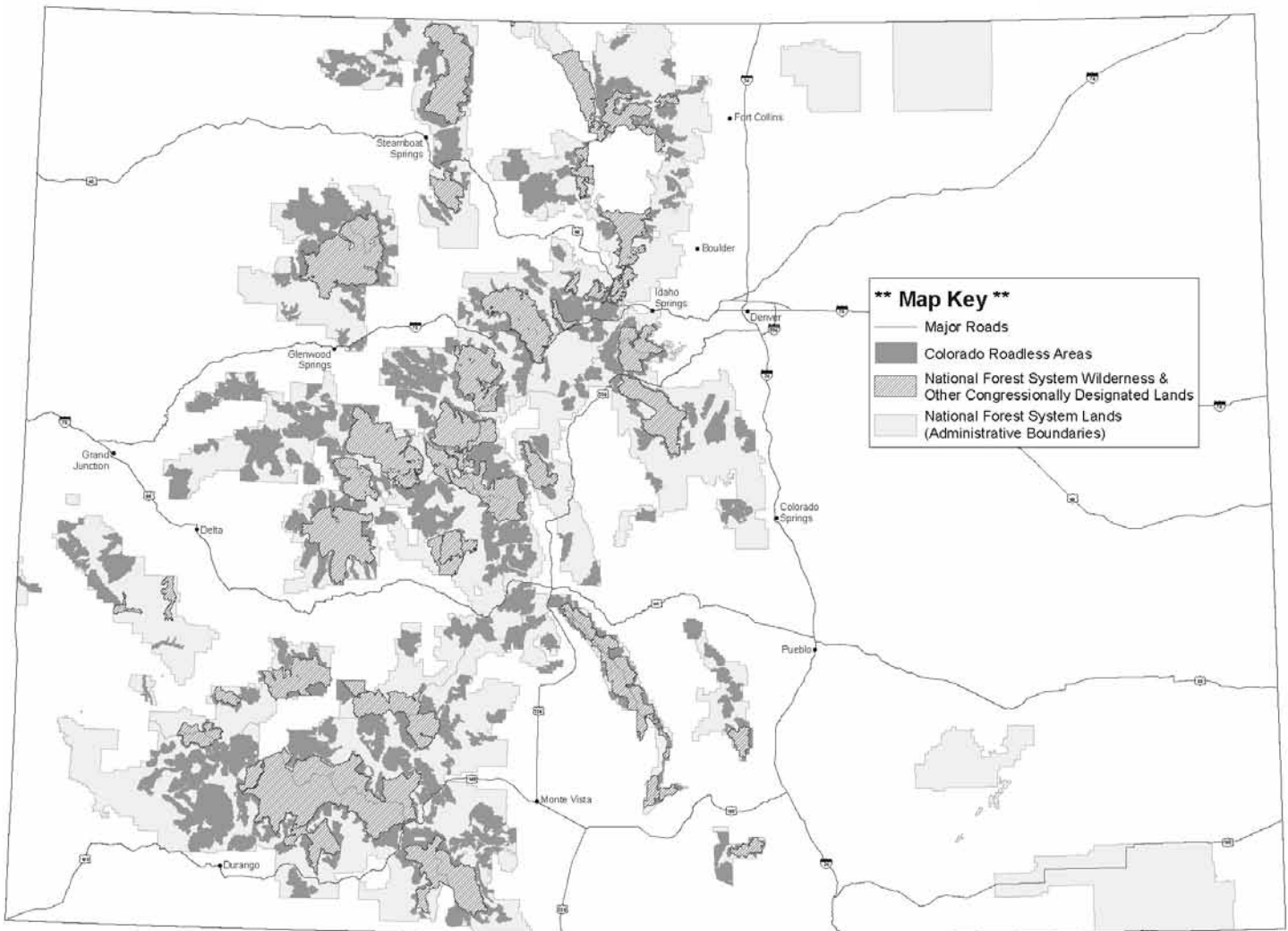
July 2008



Rulemaking for Colorado Roadless Areas

Draft Environmental Impact Statement Summary

Colorado national forests with roadless areas include:
Arapaho and Roosevelt; Grand Mesa, Uncompahgre, and Gunnison;
Manti-La Sal (portion in Colorado); Pike and San Isabel; Rio Grande;
Routt; San Juan; and White River National Forests



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Rulemaking for Colorado Roadless Areas Summary Draft Environmental Impact Statement

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Abstract:

The U.S. Department of Agriculture, Forest Service, in cooperation with the State of Colorado, proposes to promulgate a state-specific rule to manage roadless values and characteristics on National Forest System (NFS) lands in Colorado. The proposal is responsive to a recognized need to balance local, state, and national interests in providing management direction for roadless areas on NFS lands in Colorado. This environmental impact statement (EIS) analyzes and displays expected physical, biological, and social-economic consequences of three alternatives of the proposed Colorado Roadless Rule and its alternatives. Alternative 1 (no-action alternative), would retain the inventoried roadless area boundaries and roadless area management provisions contained in the current 2001 Roadless Rule, for management of roadless areas on NFS lands in Colorado. Alternative 2 (proposed Colorado Roadless Rule), would establish a state-specific roadless rule for Colorado that modifies the roadless area boundaries and roadless area management provisions from the existing 2001 Roadless Rule, primarily to provide for additional management flexibility in roadless areas. Alternative 3 (forest plans alternative) would establish a state-specific roadless rule for Colorado that exclusively uses management direction contained in the land management plans (forest plans) for each of the national forests in Colorado.

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SUMMARY OF THE ENVIRONMENTAL IMPACT STATEMENT

DOCUMENT STRUCTURE

The Forest Service has prepared an environmental impact statement (EIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant federal laws and regulations. The EIS discloses the potential environmental consequences that may result from the proposed action and alternatives. This summary presents the pertinent information from the full EIS in abbreviated form.

Supporting documents for the EIS may be found in the EIS record, located at the Forest Service's Rocky Mountain Regional Office, 740 Simms Street, Lakewood, CO. Some supporting documents, and the full EIS, are also available on the Web at www.roadless.fs.fed.us/colorado.

BACKGROUND

The Forest Service administers approximately 14,518,000 acres of publicly-owned lands in Colorado distributed among eight national forests (USDA Forest Service 2007a). These national forests are characterized by a diverse array of landscapes, ecosystems, natural resources, and land use activities. Management of each national forest is governed by a land and resource management plan (forest plan), along with numerous land management laws, regulations, policies, and agency directives. Laws and regulations take precedence over management direction in the forest plans where conflicts in management direction exist.

In January 2001, a Roadless Area Conservation Rule (2001 Roadless Rule) was adopted into regulation at 36 CFR 294, following completion of a final EIS (USDA Forest Service 2000a). The 2001 Roadless Rule applies to national forests nationwide. It provides overarching protections for 58.5 million acres¹ of inventoried roadless areas (IRAs) (about 30 percent of NFS lands in the country) by prohibiting road construction and reconstruction and timber harvest in IRAs except under certain exceptional circumstances. The intent of the 2001 Roadless Rule was "to provide lasting protection for IRAs within the context of multiple-use management" (USDA Forest Service 2000a).

¹ Approximately 3 million acres of roadless areas in Alaska's Tongass National Forest were exempted from the 2001 Roadless Rule. Therefore, the 2001 Roadless Rule currently applies to 49.2 million acres of NFS land.

Inventoried Roadless Areas in Colorado (Alternative 1 & 3)

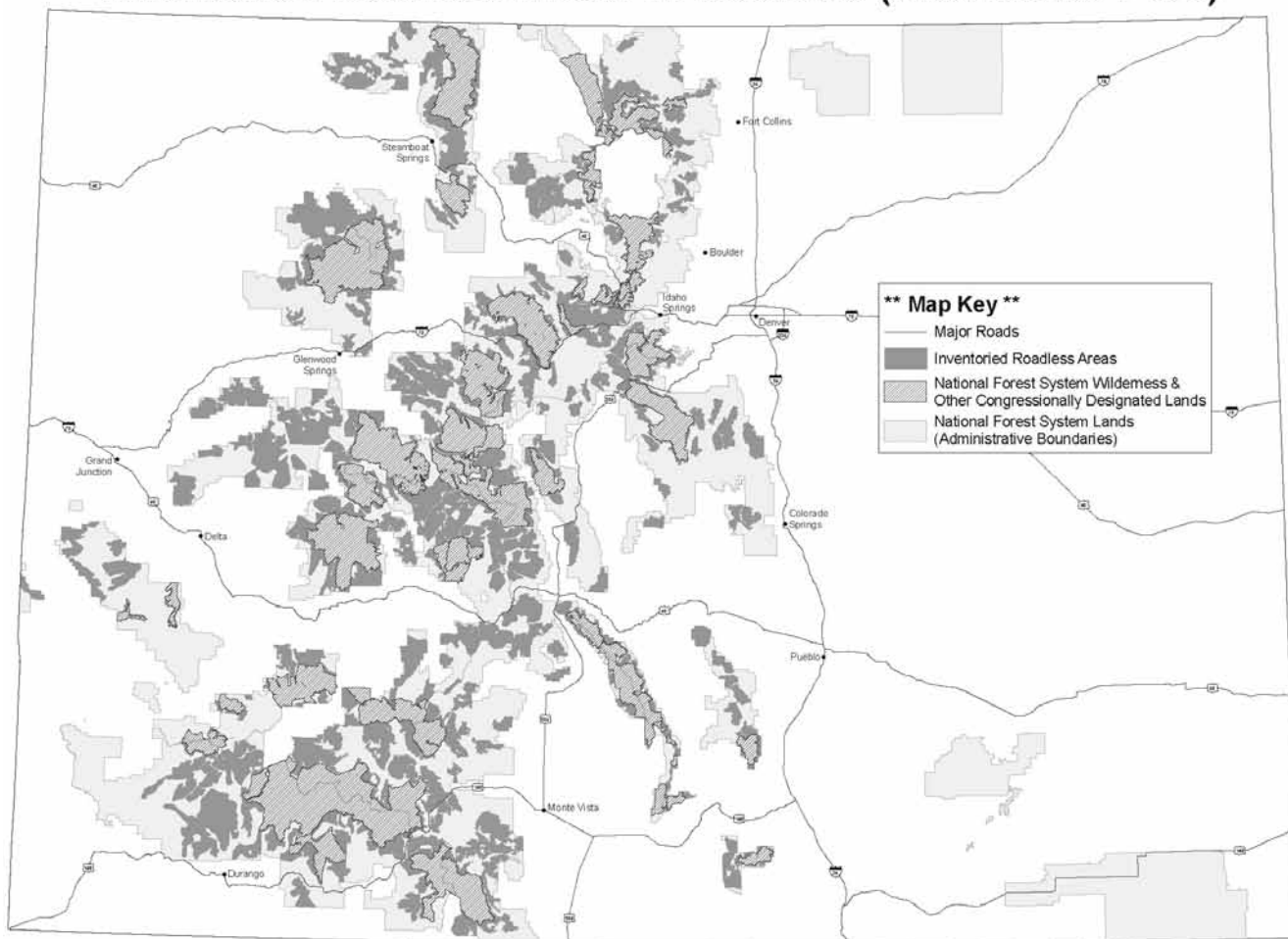


Figure 1. Inventoried roadless areas in Colorado

The 2001 Roadless Rule identifies approximately 4,433,000 acres, or about 31 percent, of the National Forest System (NFS) lands in Colorado as IRAs. For this EIS, approximately 184,000 acres of congressionally designated areas are not included as IRAs, because management of those areas is governed by laws that supersede any roadless area rule². Figure 1 displays the IRAs that are evaluated in this EIS, and are common to alternative 1 and 3. Maps also are available in the full EIS and on the Web at www.roadless.fs.fed.us/colorado.

Roadless area characteristics and values, as defined in the 2001 Roadless Rule preamble (66 FR 3244) and referred to in the proposed Colorado Roadless Rule, are summarized as follows: high quality or undisturbed soil, water, or air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive motorized, and semi-primitive non-motorized; reference landscapes;

² Congressionally designated areas include such lands as Wilderness, Wild and Scenic Rivers, and Protection Areas (described in EIS appendix A)

natural-appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and, other locally identified unique characteristics.

In May 2005 Colorado enacted Senate Bill 05-243 (C.R.S. § 36-7-302) directing formation of a 13-person bipartisan taskforce to make recommendations to the governor regarding the appropriate management of roadless areas on the national forests in Colorado. In November 2006, Colorado Governor Bill Owens petitioned the Secretary of Agriculture to undertake state-specific roadless rulemaking for Colorado. The state’s petition was considered for rulemaking by the Secretary of Agriculture in accordance with the Administrative Procedures Act, section 553(e) of the U.S. Code of Federal Regulations (CFR) and the Department of Agriculture’s rulemaking procedures at 7 CFR §1.28. In April 2007, newly-elected Governor Ritter resubmitted the petition with minor modifications (Colorado Office of the Governor 2007). In June 2007, the state and the U.S. Forest Service presented the petition with modifications to the Department’s Roadless Area Conservation National Advisory Committee (RACNAC). The RACNAC provided recommendations on the state petition to the Secretary of Agriculture (USDA RACNAC 2007a). In August 2007, the Secretary of Agriculture accepted the state’s petition and directed the Forest Service to work in cooperation with the State of Colorado to initiate rulemaking (USDA RACNAC 2007b).

PURPOSE OF AND NEED FOR ACTION

The Department of Agriculture, the Forest Service, and the State of Colorado are seeking to establish lasting direction for the management of roadless areas in Colorado in light of the uncertain future of the 2001 Roadless Rule that has been and continues to be litigated.

The proposed state-specific rule is needed to provide increased management flexibility of roadless areas in Colorado, primarily to reduce hazardous fuels and treat large-scale insect and disease outbreaks, allow access to coal reserves in the North Fork coal mining area, and allow access to future utility and water conveyances, while continuing to conserve roadless area values and characteristics.

The state-specific rule presents an opportunity to effectively integrate local and national perspectives on roadless area management. It offers a greater opportunity for collaboration among government officials and the citizens of Colorado in creating a solution for conserving the integrity and beauty of Colorado’s roadless areas.

Further, the Colorado Roadless Rule is intended to allow greater flexibility to adjust roadless area boundaries as needed to more accurately reflect roadless characteristics and to correct outdated boundaries and mapping errors.

At the same time, there was a desire for the Colorado Roadless Rule to retain many of the key provisions from the existing 2001 Roadless Rule, in order to:

- Protect roadless characteristics and values
- Maintain outstanding rights and existing authorizations for occupancy and use of NFS lands in roadless areas
- Maintain the ability to respond to emergency situations and threats to human life and property
- Protect human health and safety, and prevent irreparable resource damage
- Protect wildlife habitat, especially for threatened, endangered, or sensitive species.

PROPOSED ACTION

The Department of Agriculture, in cooperation with the State of Colorado, proposes to promulgate a state-specific rule to manage roadless values and characteristics on NFS lands in Colorado (table 1) in response to a state petition submitted by the Governor of Colorado (Colorado Office of the Governor 2007).

Table 1. National forest administrative units in Colorado and associated forest plan approval date

| National forests in Colorado | Date of approved forest plan |
|--|--|
| Arapaho and Roosevelt National Forests | 1997 |
| Grand Mesa, Uncompahgre, and Gunnison National Forests | 1983 (Revision in progress) |
| Manti-La Sal National Forest ³ | 1986 (Revision in progress) |
| Routt National Forest | 1998 |
| Pike and San Isabel National Forests | 1984 (Revision in progress) |
| Rio Grande National Forest | 1996 |
| San Juan National Forest | 1983 (Draft revised plan 2007; Revised plan expected 2009) |
| White River National Forest | 2002 |

The proposed Colorado Roadless Rule establishes boundaries for Colorado roadless areas (CRAs) and associated provisions for managing those areas. The rule maintains many of the 2001 Roadless Rule prohibitions on road construction and reconstruction and tree-cutting activities in roadless areas; however, there are some important differences. The proposed rule differs from the 2001 Rule primarily by defining additional circumstances in which those activities are allowed to occur in CRAs.

As requested by the Governor’s petition, the proposed Colorado Roadless Rule adjusts roadless area boundaries by: (a) adjusting some roadless area boundaries to correct mapping errors that primarily resulted from improvements in inventory data and mapping technology; (b) not including acres substantially altered by existing roads and past timber harvest activities; (c) not including ski areas currently under permit or allocated to ski area management areas adjoining operating ski areas in forest plans; (d) not including congressionally designated lands such as wilderness that take legal precedence over roadless area regulations; (e) including in CRAs some additional unroaded acreages that are outside IRAs.

³ Only 2 percent (27,000 acres) of the 1.4 million-acres occur in Colorado; the rest are in Utah and not subject to the EIS.

Colorado Roadless Areas (Alternative 2)

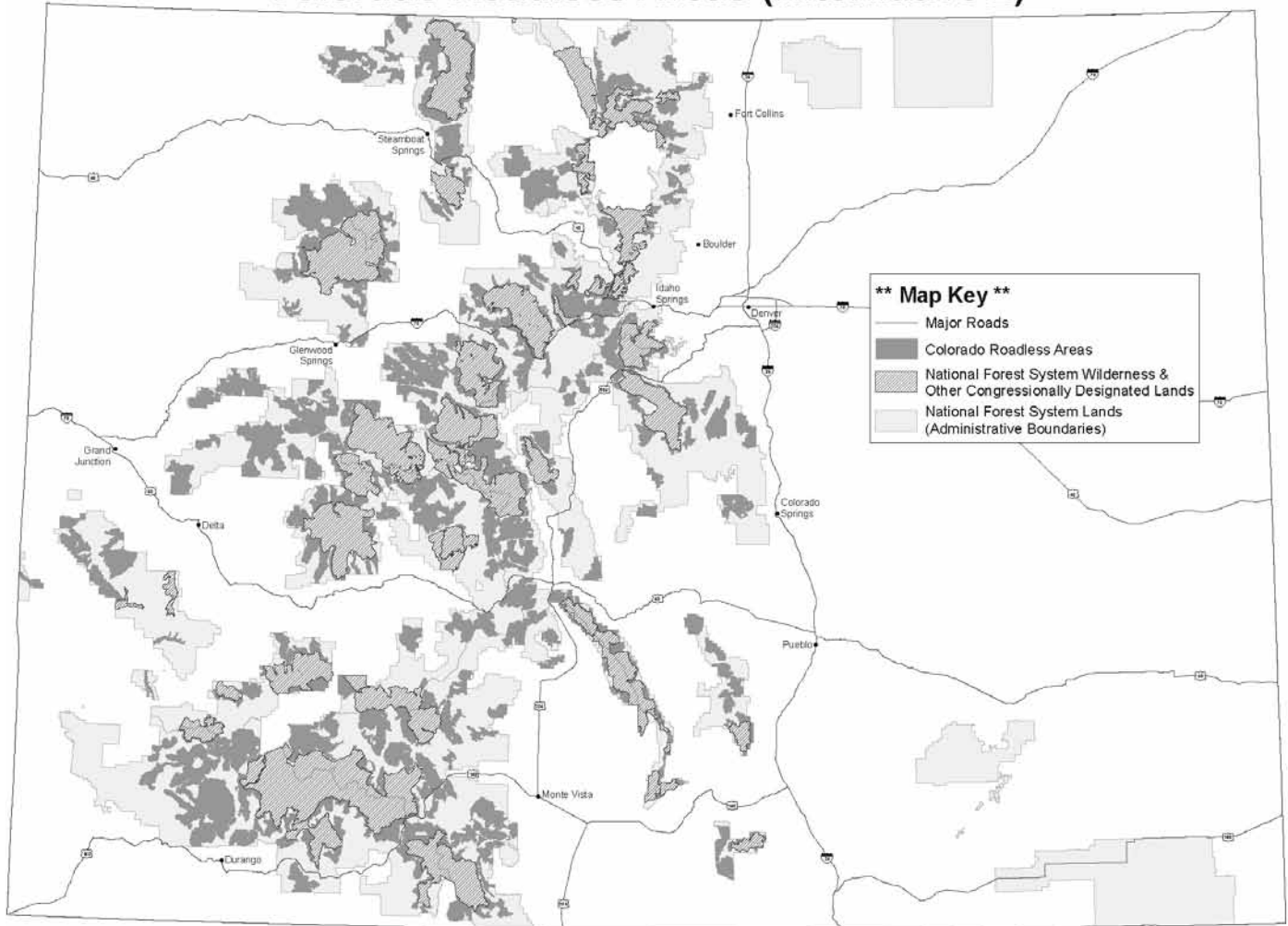


Figure 2. Proposed Colorado roadless areas

The proposed CRAs encompass approximately 4.031 million acres, or about 29 percent, of NFS land in Colorado, distributed among 345 separate roadless areas (figure 2). The scope of the proposed action is primarily limited to road construction/reconstruction and tree-cutting activities within roadless areas. The proposed rule will not affect land use permits, contracts, or other legal instruments issued prior to the effective date of a rule. The scope of the proposed rule is programmatic in nature and intended to guide future actions proposed to occur within CRAs. This proposal does not authorize the implementation of any ground-disturbing activities, but rather it describes circumstances under which certain activities may be allowed or restricted within roadless areas in the future. Where conflicting management direction exists between forest plans and a Colorado Roadless Rule provision, the more restrictive direction prevails, e.g., where forest plan direction constrains road construction in roadless areas it would continue to apply.

DECISION FRAMEWORK

The Secretary of Agriculture, or a delegated designee, will decide whether to promulgate the Colorado Roadless Rule as proposed, or as described in another alternative analyzed in detail in the EIS. Promulgation of a rule involves establishing regulations, which would be issued under 36 CFR 294. The Secretary will decide whether to:

- Continue to manage inventoried roadless areas (IRAs) in Colorado pursuant to the 2001 Roadless Rule (Alternative 1 – No Action)
- Promulgate a state-specific rule to manage Colorado’s roadless areas (CRAs) based on the proposed Colorado Roadless Rule (Alternative 2 – Proposed Action)
- Promulgate a state-specific rule to manage inventoried roadless areas (IRAs) in Colorado based on direction in the forest plans for the eight national forests in the State of Colorado (Alternative 3 – Forest Plans).

PUBLIC INVOLVEMENT

Management of roadless areas has been an ongoing discussion with the public for several decades. Over the past decade, the Forest Service and State of Colorado collected and considered public comments regarding management of roadless areas on NFS lands through the following formal public participation processes:

- **2001 Roadless Area Rule** scoping and DEIS comment periods, 1999-2000, received over 1.5 million comments (USDA Forest Service 2000a; and on Web www.roadless.fs.fed.us/colorado)
- **Colorado Roadless Petition** public involvement process involved nine public meetings from November 2005 to June 2006 and received more than 40,000 written comments (on Web www.roadless.fs.fed.us/colorado)
- **Roadless Area National Advisory Committee** heard comments in June 2007 on the proposed Colorado petition from state and Forest Service officials as well as members of the public (USDA RACNAC 2007a)
- **Forest Plan Revisions** completed or in progress use public participation as an integral element of the process, including evaluation of inventoried roadless areas (EIS record)
- **Proposed Colorado Roadless Rule.** In December 2007, the Forest Service published a notice of intent to prepare an EIS in the Federal Register to initiate the official scoping period, notified interested people by mail, and posted the Federal Register notice on the Web. By February 25, 2008, more than 88,000 comments were received, about 95 percent of which were duplicate comments. These comments were evaluated and summarized in a scoping report (EIS record). The draft EIS is now subject to public review and comment, and responses to comments received will be addressed in an appendix to the final EIS.

Public comments generally expressed two dominant and divergent points of view regarding roadless area management and decision making. One view places greater emphasis on environmental preservation and land use prohibitions, with more support for a national-level decisionmaking process for all roadless areas in the nation (alternative 1, the 2001 Roadless Rule). The other view emphasizes allowing responsible land and resource management

activities and uses, with support for more locally-influenced decisionmaking processes (alternatives 2 and 3).

Some opponents of the proposed Colorado Roadless Rule expressed a preference for managing roadless areas strictly in accordance with the forest plans that are developed for each national forest in collaboration with the public. These comments were used to develop alternative 3.

Comments in support of the proposed Colorado Roadless Rule (alternative 2) often emphasized desires to ensure forest and ecosystem health in a manner that can also provide recreational, aesthetic, social, and economic benefits for the residents of Colorado and citizens nationwide. Some comments supported allowing flexibility to responsibly conduct multiple-use management activities while conserving roadless area values and characteristics.

TRIBAL CONSULTATION

There are two resident tribes in Colorado – Ute Mountain Ute and Southern Ute – who retain some of their traditional land base as reservations. These two tribes retain specific hunting rights and other aboriginal rights throughout their traditional territory including portions of the roadless areas in Colorado. Over a dozen other tribes located outside Colorado maintain tribal interests, including aboriginal and ceded territories, and inherent aboriginal rights within Colorado.

The Forest Service consulted with all the potentially-affected tribes, from October 2007 through January 2008. No reply letters were received during the scoping period; however, tribal concerns that surfaced during other consultations are discussed in the EIS. Consultation with interested or affected tribes will continue throughout the analysis and decisionmaking process.

ISSUES

Scoping comments were used to identify issues regarding the anticipated effects of the proposed Colorado Roadless Rule on the environment. These issues were then used as a basis for developing and evaluating alternatives to the proposed action (per regulations at 40 CFR 1501.2).

Comments supportive of the purpose and need for the proposed action are not listed as “issues” but are evaluated in the EIS as to how well each alternative addresses the purpose and need for improving management flexibility to address:

- Large-scale insect or disease outbreaks or similar forest health situations
- Fuel accumulations and wildfire hazards
- Access to coal reserves in the North Fork coal mining area
- Future needs for utility and water conveyance structures that may require locations within roadless areas or access through roadless areas.

The alternatives also evaluate how well the proposed action and other alternatives meet the purpose and need to:

- Improve and update designated roadless area boundaries
- Continue to conserve roadless area characteristics and values.

Some public comments presented issues that are outside the scope of the proposed Colorado Roadless Rule and therefore are not discussed in the EIS, such as:

- National Park Service management issues
- Political motivations or integrity of government officials
- Alternative energy on national forests
- Wilderness protection or recommendations for wilderness designation
- Motorized vehicle use and routes or other travel management topics⁴
- Livestock grazing permits and allotment management.

The following issues about the proposed Colorado Roadless Rule were used in the EIS analysis process to evaluate differences in the consequences among the alternatives.

Issue – Potential loss of roadless area characteristics and values on those acres excluded from the roadless areas.

Issue – Potential reduction in ecological integrity and biological resource values from the proposed expansion of circumstances in which roading, tree-cutting, and some other activities may occur in roadless areas.

Issue – Potential reduction in soil and water quality from the proposed expansion of circumstances in which roading, tree-cutting, and some other activities may occur in roadless areas.

Issue – Potential reduction in semi-primitive recreation and related values from the proposed expansion of circumstances in which roading, tree-cutting, and some other activities may occur in roadless areas.

Issue – Potential loss of opportunities to explore for and develop oil and gas resources based on restrictions on access in oil and gas basins in roadless areas that have not already been leased.

Issue – Potential loss of opportunities to explore for and develop coal resources based on restrictions on access to unleased coal reserves outside the North Fork coal mining area.

Issue – Potential loss of opportunity to feasibly transport oil and gas resources using pipelines, based on restrictions on locating pipelines in roadless areas from lands outside roadless areas.

Issue – Potential impacts on roadless area characteristics from allowing road construction and associated development of utility and water conveyance facilities in roadless areas.

All public comment letters and a summary evaluation are available in the EIS record and on the Web at www.roadless.fs.fed.us/colorado.

⁴ The Forest Service is currently conducting environmental analysis to make decision regarding management of motorized travel on NFS lands, including lands within the roadless areas in Colorado.

ALTERNATIVES

The three alternatives analyzed in detail in the EIS are:

- **Alternative 1: No Action, the 2001 Roadless Rule.** This alternative retains the inventoried roadless area (IRA) boundaries and roadless area management provisions contained in the current 2001 Roadless Rule for management of roadless areas on NFS land in Colorado
- **Alternative 2: Proposed Action, the Colorado Roadless Rule.** This alternative establishes a state-specific roadless rule for Colorado. It defines boundaries for Colorado roadless areas (CRAs) and management provisions that differ in some respects from the 2001 Roadless Rule, primarily to provide for additional management flexibility in roadless areas, as described in Purpose and Need
- **Alternative 3: Forest Plans.** This alternative establishes a state-specific roadless rule for Colorado that exclusively uses management direction contained in the land management plans (forest plans) for each of the national forests in Colorado.

Federal regulations require the Forest Service to explore and evaluate all reasonable alternatives to a proposed action and to briefly discuss the reasons for eliminating them from detailed study (40 CFR 1502.14). However, based on the evaluation of public comments received during scoping on this proposed rulemaking action and the identification of issues, no reasonable alternatives were identified to be considered but eliminated from detailed study.

Features Common to All Alternatives

The following features apply equally to all alternatives and are not repeated in the alternative descriptions.

- **State-Specific Rule.** If the Secretary of Agriculture promulgates a state-specific rule for Colorado, the state-specific rule would not be affected by any subsequent reconsideration, revision, or rescission of the 2001 Roadless Rule.
- **Federal and State Requirements.** Management of NFS lands in Colorado is governed by a variety of federal land management statutes, regulations, executive orders, and the Forest Service Directive System. In addition, some state and local laws and regulations apply on NFS lands within the state. All alternatives in this analysis assume that these governing authorities are not affected.⁵
- **Forest Plans.** The National Forest Management Act (NFMA) and its implementing regulations at 36 CFR 219 obligate the Forest Service to develop, amend, or revise forest plans. All alternatives, unless otherwise superseded by a roadless rule, assume that direction set forth in forest plans for the national forests in Colorado would continue to govern project and activity decision-making on NFS lands, including roadless areas.
- **Project-Specific Environmental Analysis.** All future proposals for road construction and reconstruction, tree-cutting and removal, and other activities that are permissible under any alternative must undergo appropriate environmental analysis and decisionmaking

⁵ One example of a federal statute is the General Mining Law of 1872, which would allow for road construction and use within roadless areas as needed for the exploration and development of valid claims of locatable ("hard rock") minerals.

processes pursuant to NEPA and its implementing regulations, including public review and comment.

- **Reserved and Outstanding Rights.** Under all alternatives, the exercise of outstanding rights for access, occupancy, and use of NFS lands within designated roadless areas would not be affected. These include those that exist by law, treaty rights or other authority.
- **Existing Land Use Authorizations.** All of the alternatives allow for the continuation, transfer, or renewal of valid and existing land use authorizations (in permits, contracts, and other written instruments) for activities in roadless areas, for those authorizations that exist at the time the applicable roadless rule becomes effective. For clarification, “existing” authorizations under the 2001 Roadless Rule (alternative 1) are those authorizations issued prior to January 12, 2001. “Existing” authorizations under the proposed Colorado Roadless Rule (alternative 2) would be those that currently exist or are issued prior to adoption of the final rule. Most land use authorizations are discretionary and authorized by the Secretary of Agriculture or his designated Forest Service official. Examples include but are not limited to the following land uses:
 - Use of roads and trails, including motorized travel on roads and trails
 - Livestock grazing
 - Recreational activities, including but not limited to hunting, fishing, hiking, camping, mountain biking, and skiing
 - Prescribed burning, brush-cutting, and similar vegetation management treatments other than tree-cutting, sale, or removal
 - Congressional Designations. Management of congressionally designated areas is governed by legislated direction that overrides rulemaking direction for management of roadless areas. Therefore, for the purposes of this analysis, 184,000 acres of congressionally designated areas are not included in roadless areas under any alternative
 - Roadless Areas. All alternatives identify specific areas to be managed as roadless areas. For purposes of this analysis, alternatives 1 and 3 share common IRA boundaries. Alternative 2 proposes modifications of those roadless area boundaries and are referred to as CRAs.

ALTERNATIVE 1: NO ACTION – THE 2001 ROADLESS RULE

Alternative 1, the no-action alternative, reflects current management of IRAs under the 2001 Roadless Rule and serves as the required baseline (per regulations at 40 CFR 1502.14). The 2001 Rule established general prohibitions on road building and tree-cutting and removal within IRAs (4.25 million acres) while permitting those activities under certain circumstances.

Alternative 1 addresses two forms of no-action: (1) The Secretary could decline to promulgate a rule establishing new management direction for roadless areas in Colorado and allow the provisions of the 2001 Roadless Rule to continue, subject to the various ongoing lawsuits; or, (2) the Secretary could decide to promulgate a state-specific rule for Colorado that continues and affirmatively adopts the provisions of the 2001 Roadless Rule in place at this time.

Alternative 1 would allow roads to be constructed or reconstructed in roadless areas under certain circumstances, such as those needed for:

- Protect public health and safety
- Emergency environmental response under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Reserved and outstanding rights
- Existing land use authorizations
- Road-related resource damage
- Certain federal highway projects
- Road traffic safety
- Reasonable access to leaseable minerals in existing lease areas Alternative 1 allows tree-cutting, sale, or removal in IRAs under certain circumstances, such as:
 - To maintain or improve threatened, endangered, proposed, or sensitive species habitat
 - To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects
 - Where it is incidental to the implementation of a management activity not otherwise prohibited by this subpart
 - IRAs where needed for personal or administrative uses provided for in 36 CFR Part 223-Sale and Disposal of National Forest System Timber
 - Within portions of IRAs where roadless characteristics have been substantially altered by the construction of a NFS road and subsequent timber harvest.

ALTERNATIVE 2: PROPOSED ACTION – COLORADO ROADLESS RULE

Under Alternative 2, the Colorado Roadless Rule, approximately 4.031 million acres of NFS lands in Colorado would be identified as CRAs. If adopted, the Colorado Roadless Rule would not be subject to or affected by subsequent reconsideration, revision, or revocation of the 2001 Roadless Rule.

Alternative 2 allows for the Chief of the Forest Service to make administrative corrections to the maps after providing public notice, based on public need or changed circumstances. Significant changes involve a process comparable to that required for rule promulgation, which includes providing an opportunity for public comment.

Similar to the 2001 Roadless Rule, alternative 2 generally prohibits road construction and reconstruction and tree-cutting, sale, and removal, except under certain circumstances. Alternative 2 adds to the circumstances listed for alternative 1, to provide greater management flexibility to address serious forest health concerns, wildfire hazards, and demands for coal, water movement, and electrical utilities. The Colorado Roadless Rule would supersede forest plan direction for road construction and reconstruction and tree-cutting in CRAs except where forest plan direction is more restrictive.

Like all the other alternatives, alternative 2 would allow roads to be constructed or reconstructed in roadless areas under certain circumstances, such as those needed for:

- Emergency environmental response under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Reserved and outstanding rights
- Existing land use authorizations
- Road-related resource damage
- Certain federal highway projects
- Road traffic safety.

Alternative 2 adds circumstances allowing road building in CRAs, subject to forest plan direction, where needed for:

- Future authorizations of utility and water conveyance structures associated with the transmission and distribution of electricity and water across NFS lands.

Alternative 2 adds circumstances allowing temporary road building in CRAs, subject to forest plan direction, where needed for:

- Protect public health and safety
- Wildfire hazard reduction in wildland-urban interface areas and areas identified in community wildfire protection plans
- Reasonable access to leaseable minerals in existing lease areas as of the date of the Colorado Rule (long-term temporary roads may be built)
- Exploration and development of coal in the North Fork coal mining area (long-term temporary roads may be built).

Roads constructed in CRAs under all circumstances will be closed to public motorized use. Those roads may be used for authorized or administrative purposes, including emergencies and law enforcement purposes.

Roads may only be constructed if the responsible official determines that one of those circumstances exists, and the official must consider a no-road option first. All temporary roads constructed in CRAs shall be decommissioned and the affected landscape restored when the road is no longer needed. For roads built in support of oil, gas, or coal operations, road decommissioning would typically occur when the lease is terminated.

Alternative 2 generally prohibits the cutting, sale, or removal of trees within CRAs except under one of four circumstances. The responsible official must consider the need for the cutting, sale, or removal of trees along with other resource and community protection needs, consistency with applicable forest plans, and effects on roadless characteristics. Under alternative 2, tree cutting activities are allowed in CRAs, subject to forest plan direction where needed for:

- Management and improvement of wildlife and plant species
- Wildfire hazard reduction or treatment of large-scale insect and disease outbreaks in a wildland-urban interface or area covered by a community wildfire protection plan
- Purposes incidental to management activities that are not otherwise prohibited by this proposed Rule

- Personal or administrative use, as provided for in 36 CFR 223- Sale and Disposal of National Forest System Timber.

The following provisions are unique to this proposed Colorado Roadless Rule:

- The proposed Rule prohibits the construction of pipelines to transport oil or gas through a CRA from a source or sources located exclusively outside a CRA
- The proposed Rule requires the Forest Service to offer cooperating agency status to the State of Colorado for all projects proposed to be implemented on NFS lands within CRAs, as well as within the ski areas in IRAs that are specifically excluded from CRAs
- The proposed Rule requires preparation of an EIS when proposing construction of a forest road in a CRA.

ALTERNATIVE 3: FOREST PLANS

Alternative 3 would promulgate a state-specific rule directing that management of IRAs will be based on direction in the forest plans for the eight national forests in Colorado. This alternative uses roadless areas in each forest plan or its associated records of decision which currently coincide with the 2001 Roadless Rule IRAs as described in alternative 1. As with alternative 1, the roadless areas under alternative 3 cover 4.25 million acres. Effectively, this alternative would exempt IRAs within Colorado from the 2001 Roadless Rule.

Forest plan direction that applies to the management of IRAs includes forest plan goals (desired conditions), objectives, forest-wide standards and guidelines, management area standards and guidelines, and descriptions of suitable uses. In each forest plan, roadless areas overlap a number of different land management allocations.

Forest plans may be updated through an amendment or revision process to reflect changed conditions or specific public or management needs. The revision process includes a review and update of the roadless area inventory of potential wilderness areas for evaluation as recommended wilderness. In addition, project-level amendments to forest plans may be made to make a specific project consistent with the forest plan. Subsequent forest plan amendments and revisions may result in changes to roadless area boundaries or management direction. In the past few years, the trend has been to allocate more roadless areas to management prescriptions that conserve roadless area characteristics.

Alternative 3 follows forest plan direction regarding road construction and reconstruction and applicable Forest Service directives and regulations. The directives and regulations discourage construction of new permanent roads and require responsible officials to minimize the miles of permanent roads to those determined to be necessary. Furthermore, the directives encourage use of temporary roads when needed for single-use projects and authorizations.

Forest plan direction for road construction and reconstruction generally falls into one of four categories:

1. **Roading is prohibited** except where needed for reserved and outstanding rights or other exemptions mandated by law, regulation, or policy
2. **Roading is generally restricted** based on a desired condition or a guideline; not a mandatory restriction

3. **Roading is limited** under certain circumstances, such as those related to the purpose for the road, road density standards, or protection of natural resources
4. **Roading is allowed** for any multiple-use management need, where consistent with law, regulation, or policy.

Alternative 3 differs from the other two alternatives in that it does not include a general prohibition on road construction or reconstruction in the roadless areas. Roding in these roadless areas is prohibited or limited only where there is specific forest plan direction.

Appendix B of the EIS contains more details about roading and tree-cutting permissions and prohibitions under forest plan direction for each national forest. A map of Alternative 3 in the EIS map packet shows how forest plan direction applies to each roadless area. Further details on how forest plan direction applies to the IRAs are contained in the EIS record.

Under alternative 3, there is no general prohibition on tree-cutting, sale, or removal within the IRAs. Tree-cutting, sale, or removal would be allowed in IRAs anywhere those activities are not specifically prohibited or limited by forest-wide or management area direction in the applicable forest plan.

Like road construction and reconstruction, forest plan direction for tree-cutting, sale or removal generally falls into one of four categories:

1. **Tree-cutting, sale, or removal is prohibited** except where needed for reserved and outstanding rights, or for other exemptions mandated by law, regulation, or policy
2. **Tree-cutting, sale, or removal is generally restricted** based on desired conditions or guidelines; non-mandatory direction
3. **Tree-cutting, sale, or removal is limited** to certain circumstances, such as those related to the purpose of the activity or protection of natural resources
4. **Tree-cutting, sale, or removal is allowed** as needed to meet multiple-use management purposes.

Although management direction in the forest plans regarding tree-cutting differs by national forest, some direction is common among plans. Common to all forest plans, tree-cutting for such non-timber purposes of hazardous fuel reduction or wildlife habitat improvement may occur on NFS lands that are considered unsuitable for timber production. Also common to all forest plans, tree-cutting for timber production purposes is limited to NFS land identified as suitable for timber production.

Forest Service planning regulations allow forest plans to be amended or revised such that the permissions or prohibitions on road building or tree-cutting in IRAs are subject to change over time. These changes in forest plan direction may occur as long-term programmatic amendments or shorter-term project-specific amendments, or as forest plan revisions.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

Federal agencies are required by the National Environmental Policy Act (NEPA) regulations to explore and evaluate all reasonable alternatives to a proposed action and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). However, based on the evaluation of public comments received during scoping on this proposed rulemaking action and the identification of issues (chapter 1), no reasonable alternatives were identified to be considered but eliminated from detailed study.

ENVIRONMENTAL CONSEQUENCES

This section compares the estimated environmental consequences of each alternative in summary form (table 2). These environmental consequences are described in detail in chapter 3 of the full EIS, and are summarized at the end of chapter 2 of the full EIS. The comparison table focuses on the key differences among the alternatives and their most likely consequences based on the purpose and need for the proposed Colorado Roadless Rule as well as the issues associated with this proposed action, as previously described. Because the proposed rulemaking and its alternatives are broad, programmatic, and do not involve any proposed site-specific actions, the consequences are appropriately broad and qualitative rather than quantitative.

Table 2. Summary of environmental consequences for each alternative

| Purpose and need, and issues (see chapter 1) | Alternative 1- No Action 2001 Roadless Rule | Alternative 2- Proposed Action Colorado Roadless Rule | Alternative 3- Forest Plans Alternative |
|--|--|--|---|
| Roadless area management | | | |
| Flexibility to reduce wildfire hazard | 1 percent of the annual fuel treatments on NFS lands in Colorado would occur in roadless areas. | 12 percent of the annual fuel treatments on NFS lands in Colorado would occur in roadless areas (in CWPP areas or WUIs). | 27 percent of the annual fuel treatments on NFS lands in Colorado would occur in roadless areas. |
| Flexibility to reduce large insect-disease outbreaks | 2 percent of the high risk acres in roadless areas would likely be treated. | 19 percent of the high risk acres in roadless areas would likely be treated. | 41 percent of the high risk acres in roadless areas would likely be treated. |
| Flexibility to improve wildlife and plant habitat, including special status species | Not allowing new roads in conjunction with treatments to reduce wildfire hazard would result in a higher risk of severe wildfires causing adverse impacts to habitat for some species. | Allowing temporary roads in conjunction with treatments to reduce wildfire hazard would result in reducing the risk of severe wildfires causing adverse impacts to habitat for some species. Increased ability to cut trees on more acres for forest health and fuels management could improve habitat for early seral species in some areas in the short-term. | Same flexibility to improve habitat conditions as alternative 2, but to a greater extent. |
| Flexibility to provide for utility and water facilities and conveyances | Does not allow new roads to provide for future utility or water conveyances in roadless areas (limited to those under an existing permit issued prior to January 2001). | Allows new roads to provide for future electrical transmission utilities and water conveyances in roadless areas (other than where prohibited by forest plan direction). | Same flexibility as alternative 2, with additional flexibility for new roads to provide for other types of utilities such as telephone and fiber optic lines, water reservoirs, and others (other than where prohibited by forest plan direction). |
| Flexibility for updating and improving accuracy of roadless area boundaries | Does not provide a process for updating roadless area boundaries. Changes could be allowed in the future if authorized by the Secretary of Agriculture through rule making. | Provides a process for updating roadless area boundaries. Administrative corrections require public notice, and significant changes require public involvement comparable with rulemaking actions. | Like alternative 2, provides a process for updating roadless area boundaries. Boundary changes may be made through a forest plan amendment or revision process, subject to public involvement and analysis under NFMA and NEPA regulations (36 CFR 219 and 40 CFR 1500). |

| Purpose and need, and issues (see chapter 1) | Alternative 1- No Action 2001 Roadless Rule | Alternative 2- Proposed Action Colorado Roadless Rule | Alternative 3- Forest Plans Alternative |
|--|--|---|--|
| Flexibility to respond to emergency situations and major threats to public safety | <p>All of the alternatives provide adequate flexibility to respond to emergency situations or major threats to public health and safety in roadless areas (refer to features common to all alternatives). The Forest Service will continue to respond to wildfires, chemical or oil spills, abandoned mine hazards, road-design hazards, hazard trees, and other similar situations. Roads for this purpose must be temporary under alternative 2, and would be expected to be temporary under alternatives 1 and 3.</p> <p>Under alternative 1, the lower number of road miles expected in roadless areas could limit the responsiveness and timeliness to emergency health and safety situations. Under alternative 2, and even more so under alternative 3, the greater number of road miles projected to occur in roadless areas would facilitate more rapid responses to emergency health and safety situations.</p> | | |
| Flexibility to support outstanding rights and existing authorized uses of NFS lands | <p>All of the alternatives allow the exercise of outstanding rights for access, occupancy, and use of NFS lands within roadless areas, including those that exist by law, treaty rights, or other authority (e.g. access to private property, valid mining claims for locatable minerals, land uses protected by American Indian treaty rights).</p> <p>All of the alternatives allow for the continuation, transfer, or renewal of existing land use authorizations in roadless areas that exist at the time the applicable roadless rule becomes effective, including discretionary authorizations such as for livestock grazing and other permitted activities. For clarification, “existing” authorizations under the 2001 Roadless Rule are those issued prior to January 12, 2001, while “existing” authorizations under the proposed Colorado Roadless Rule would be those issued prior to adoption of the final rule.</p> <p>Thus, outstanding rights and existing authorized uses may continue in roadless areas except where limited by applicable laws, regulations, Forest Service directives, or forest plan direction.</p> | | |
| Flexibility to access energy resources | <p>Provides the least opportunity for access to develop oil, natural gas, or coal resources in roadless areas.</p> <p>No prohibition on oil or gas pipelines through IRAs from sources outside IRAs.</p> | <p>Provides slightly more opportunity than alternative 1 for access to develop oil and natural gas (such as on some existing leases issued after 2001), as well as future coal resources in the North Fork coal mining area.</p> <p>Prohibits construction of oil and gas pipelines through CRAs from sources located exclusively outside the CRAs.</p> | <p>Provides the most opportunity for access to develop future oil, natural gas, and coal resources compared to the other alternatives.</p> <p>No prohibition on oil or gas pipelines through IRAs from sources outside IRAs.</p> |

Roadless area characteristics and values

| | | | |
|--|--|--|--|
| Protect soil and water quality, including public drinking water sources | <p>No major difference among alternatives related to the risk of adverse water quality and soil impacts. Alternative 1 would have the least risk of adverse effects, and alternative 2 would have a slightly higher risk, followed by alternative 3 with the greatest risk of adverse impacts. However, these differences are insignificant because the actual impacts would be small in magnitude and scattered over a wide geographic area. Most of the potential effects would be of short duration, and effectively mitigated by site-specific watershed conservation practices, best management practices, post-project rehabilitation of disturbed soil, and regulatory permit requirements.</p> | | |
| Protect air quality | <p>No major difference among alternatives related to the risk of adverse impacts on air quality. One minor difference is related to potential smoke-related impacts from wildfires, which would be more likely to occur in roadless areas under alternative 1, and least likely to occur under alternative 3. None of the alternatives is likely to result in emissions that would exceed air quality standards; most would be of short duration with site-specific mitigation measures applied as needed.</p> | | |

| Purpose and need, and issues (see chapter 1) | Alternative 1- No Action 2001 Roadless Rule | Alternative 2- Proposed Action Colorado Roadless Rule | Alternative 3- Forest Plans Alternative |
|---|--|---|--|
| Protect diversity of native plants, including special status plants | No major difference among alternatives related to the risk of adverse effects on native threatened, endangered or sensitive plant species, in part due to mitigation measures. There would be very little to no increases in roads, tree-cutting, or energy development activities in the roadless areas that support threatened, endangered, or sensitive plants. The main difference is the higher risk under alternatives 2 and 3 due to more activities allowed and projected to occur in roadless areas with sensitive plants, and due to expected increases in invasive plants that would pose a threat to native plant communities. | | |
| Invasive plants | An increase of about 4 acres per year of invasive plants in IRAs. | An increase of about 40 acres per year of invasive plants in CRAs. | An increase of about 80 acres per year of invasive plants in IRAs. |
| Protect wildlife diversity and habitat for threatened, endangered, proposed, and sensitive species | Provides terrestrial species and habitat the most protection compared to other alternatives, based on the roadless areas with important wildlife habitat and projected activities that differ among alternatives. | Provides terrestrial species and habitat moderate protection (less than alternative 1 and more than alternative 3), based on the roadless areas with important wildlife habitat and projected activities that differ among alternatives. | Provides terrestrial species and habitat the least amount of protection compared to the other two alternatives, based on roadless areas with important wildlife habitat and projected activities that differ among the alternatives. |
| Protect aquatic diversity and habitat for threatened, endangered, proposed, and sensitive species | Provides aquatic species and habitat the most protection compared to other alternatives, based on the roadless areas with important aquatic habitat and projected activities that differ among alternatives. | Provides aquatic species and habitat moderate protection (less than alternative 1 and more than alternative 3), based on the roadless areas with important aquatic habitat and projected activities that differ among alternatives. | Provides aquatic species and habitat the least amount of protection compared to the other two alternatives, based on roadless areas with important aquatic habitat and projected activities that differ among the alternatives. |
| Protect primitive and semi-primitive recreation settings and opportunities | Likely to retain the greatest proportion of roadless area acreage in a primitive or semi-primitive setting. The substantially altered areas and developed ski areas in IRAs may continue to appear inconsistent with semi-primitive characteristics expected in roadless areas. | Likely to retain a high proportion of roadless area acreage in a semi-primitive setting; although some CRA acres would shift toward roaded natural in areas where the most roads and energy operations are projected to occur in CRAs. By not including substantially altered areas and developed ski areas in CRAs and adding unroaded areas to CRAs, the CRAs would appear more consistent with semi-primitive characteristics expected in roadless areas. | Likely to retain lower proportions of roadless area acreage in a semi-primitive setting; more acres would shift toward roaded natural in areas where the most roads and energy operations are projected to occur in IRAs. The substantially altered areas and developed ski areas in IRAs may continue to appear inconsistent with semi-primitive characteristics expected in roadless areas. |

| Purpose and need, and issues (see chapter 1) | Alternative 1- No Action 2001 Roadless Rule | Alternative 2- Proposed Action Colorado Roadless Rule | Alternative 3- Forest Plans Alternative |
|---|---|--|--|
| Protect scenic quality | Maintains the most IRA acreage at high to very high scenic integrity levels where it exists. | Maintains slightly fewer CRA acres at high to very high scenic integrity levels where it exists, as the scenic integrity of some areas would be reduced by the roads and road-related activities projected as likely to occur in CRAs. | Maintains the least IRA acreage at high to very high scenic integrity levels, as more IRA acres would be reduced by shifting to a moderate to low scenic integrity from the roads and road-related activities projected as likely to occur in IRAs |
| Protect traditional cultural properties and sacred sites | No major difference among alternatives related to the risk of adverse effects on traditional cultural properties, sacred sites or other cultural (heritage) resources. Alternative 1 offers the most protection from development in roadless areas, which translates to fewer potential effects to historic properties; this is offset somewhat by a slightly increased potential for uncharacteristic wildfire. Alternative 2 offers fewer acres of roadless protection, so there is an increase in potential development activities that may have an effect on cultural resources; wildfire risk is slightly reduced in this alternative. Alternative 3 has the most potential for direct effects on cultural resources; this alternative may also have the lowest risk of uncharacteristic wildfire. | | |
| Protect congressionally designated areas including wilderness and recommended wilderness | <p>No major difference among the alternatives related to the risk of adverse effects on congressionally designated areas. There would be no potential direct effect on these areas as they are located outside the roadless areas that are the subject of each alternative. There could be indirect effects on wilderness characteristics due to some noise and visibility of human activities in adjacent roadless areas, with the highest potential for indirect impacts under alternative 3, and the lowest potential under alternative 1.</p> <p>Effects on areas allocated in forest plans as recommended wilderness would not differ by alternative as forest plans generally prohibit roading and tree-cutting and removal activities in those areas. However, the restrictions on activities in IRAs under alternative 1 provide a greater opportunity to maintain future options for recommending roadless acres as wilderness in the future, compared to alternatives 2 or 3.</p> | | |
| Economic impacts and distribution effects | | | |
| Leaseable minerals: oil and gas | Projections are for approximately 250 oil and gas wells in roadless areas over a 15-year period; providing the least opportunity for oil and natural gas development and production among the alternatives. | Projections are for approximately 670 oil and gas wells in roadless areas over a 15-year period; providing much more opportunity for oil and natural gas development and production than alternative 1 and slightly less than alternative 3. | Projections are for approximately 730 oil and gas wells in roadless areas over a 15-year period; providing the most opportunity for oil and gas development and production than other alternatives. |
| Leaseable minerals: coal | <p>Projections are for 6.5 miles of new roads for coal-related activity in roadless areas.</p> <p>Restricts access to potential coal resources in roadless areas more than other alternatives.</p> | <p>Projections are for 45 miles of new roads for coal-related activity in roadless areas.</p> <p>Reduces restrictions on access to potential coal resources in roadless areas compared to alternative 1, but is more restrictive than alternative 3 (limits new roads to the North Fork coal mining area).</p> | <p>Projections are for 66 miles of new roads for coal-related activity in roadless areas.</p> <p>Least restrictive on access to potential coal resources in roadless areas compared to the other two alternatives.</p> |

Rulemaking for Colorado Roadless Areas DEIS

| Purpose and need, and issues (see chapter 1) | Alternative 1- No Action 2001 Roadless Rule | Alternative 2- Proposed Action Colorado Roadless Rule | Alternative 3- Forest Plans Alternative |
|--|---|---|---|
| Geothermal | Opportunities for geothermal development in roadless areas would not occur due to new road prohibitions. | Opportunities for geothermal development in roadless areas would not occur due to new road prohibitions. | Opportunities for geothermal development in roadless areas would occur, because most forest plans allow new roads in roadless areas for this purpose. |
| Locatable and saleable minerals | Opportunities to develop locatable minerals resources held by valid mining claims in roadless areas would continue to occur and would not differ by alternative. Opportunities for saleable minerals production would not likely differ by alternative because little to no saleable mineral operations would likely occur in the roadless areas. | | |
| Values at risk and community protection | Opportunities to protect at-risk communities from wildfire hazards would be lowest under this alternative compared to the others. | Opportunities to protect at-risk communities from wildfire hazards would be available but somewhat limited under this alternative compared to the others. | Opportunities to protect at-risk communities from wildfire hazards would be greatest under this alternative compared to the others. |
| Environmental justice | It is unlikely that any of the alternatives would have a disproportionately negative impact on minority or low-income groups in the roadless area counties identified. Local communities of concern would be notified of changes in roadless area management. Changes in demographic trends and responses of minority or low-income groups to roadless area management would depend on location, substitute sites, timing, and various factors and events outside Forest Service control. | | |
| Other general resource effects | | | |
| Geological and paleontological | None of the projected activities in roadless areas that vary by alternative would be likely to adversely affect geological or paleontological resources, which would either be avoided or otherwise protected from potential adverse impacts. | | |
| Livestock management | None of the projected activities in roadless areas that vary by alternative would be likely to have any substantial beneficial or adverse impacts on livestock management operations in roadless area grazing allotments. | | |

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