

STATE OF COLORADO

OFFICE OF THE EXECUTIVE DIRECTOR

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, Colorado 80203
Phone: (303) 866-3311
TDD: (303) 866-3543
Fax: (303) 866-2115



DEPARTMENT OF
NATURAL
RESOURCES

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

December 4, 2008

The Honorable Mark E. Rey
Office of the Undersecretary for Natural Resources and Environment
U.S. Department of Agriculture
Whitten Building, Room 217E
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Mark:

Since our telephone conference last week, we have continued to work with a multitude of parties fine-tuning the proposed Colorado Rule. We have not yet received the latest RACNAC suggestions, but would like the opportunity to evaluate and discuss their proposed language modifications with a variety of groups. While further progress has been made, we simply are unable to finish necessary adjustments by the Dec. 5 deadline. We believe it is critical that we get the proposed rule right, to avoid further wrangling.

It has been our on-going expectation that the Colorado Rule would have widespread support and acceptance without fighting over the process by which the rule has been approved. To achieve this goal, we must work with interested constituencies on potential final language recommendations. This is a time consuming, but critical process to ensure broad support for Colorado's rule. Accordingly, on behalf of the State, I am asking you and the Forest Service not to finalize the proposed Colorado Rule before we have the opportunity to thoughtfully and deliberately arrive at our final recommendation. This will inevitably extend the rulemaking process into the Obama Administration.

We would support continued efforts by the Forest Service and the State in the weeks ahead to settle on most, if not all, of the final language, and update the environmental analysis accordingly. In this fashion, we believe we can build widespread support with the various interested constituencies and within the new Administration, under whose direction the rule initially will be implemented. Colorado intends to ask the Obama Administration for expedited review of the Colorado Rule with the expectation that it will be issued within the first three-six months of the new administration.

I want to thank you for moving the rule to this point. Your efforts have positioned us well and should result in good progress in the early months of the Obama Administration.

Sincerely,

A handwritten signature in blue ink that reads "Harris D. Sherman". The signature is written in a cursive style.

Harris Sherman, Executive Director
Colorado Department of Natural Resources