

## Introduction

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

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





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

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CAET Review  
Jul 17 2000

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OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

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

Dear Mr. Conroy:

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

The DEIS and proposed rulemaking are in response to the strong public sentiment voiced on protecting roadless areas and the associated benefits associated with these areas found in our National Forests. This effort was initiated by the President's October 13, 1999, memorandum to the Secretary of Agriculture directing the USFS to "...develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried *roadless* areas and to determine whether such protection is warranted for smaller *roadless* areas not yet inventoried."

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Anne Norton Miller  
Acting Director  
Office of Federal Activities

Enclosure

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**DETAILED COMMENTS ON THE DEIS AND PROPOSED RULE**

**DEIS**

**Purpose and Need**

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

**Alternatives**

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

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

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

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

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

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

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

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

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

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

#### **Proposed Rule**

##### **294.10 Purpose**

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

##### **294.11 Definitions**

###### **Inventoried roadless areas**

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

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

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

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

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

#### Road maintenance.

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

#### Road reconstruction.

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

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#### Unroaded area.

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

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

#### 294.12 - Exemptions

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

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

Delete paragraph (c), application to the Tongass.

#### 294.13 - Consideration of Roadless Area Conservation During Plan Revision

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

Delete paragraph (e), related to the Tongass.



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

May 15, 2000

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

Dear Sirs:

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

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

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

Sincerely,

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

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MWTC SUPPLY

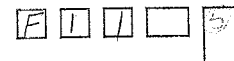
PAGE 01

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

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



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

Gentlemen:

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

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

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

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

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

Sincerely,

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

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

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

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MAY 17 2000

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



United States Department of Agriculture

Natural Resources Conservation Service

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

14635

F I I I I 5 yes

June 28, 2000

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

Dear Sir or Madam:

SUBJECT: Roadless Areas Proposed Rules

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

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

Sincerely,

JUAN A. MARTINEZ Director

NOT RECEIVED JUL 06 2000

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

T-204 P.002/002 F-382



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

OFFICE OF CHIEF COUNSEL FOR ADVOCACY

JUL 17 2000

VIA ELECTRONIC & REGULAR MAIL

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

Dear Ms. Diaz-Soltero:

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

A Brief Review of RFA Compliance Requirements

Initial Regulatory Flexibility Analysis

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



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

#### *Final Regulatory Flexibility Analysis*

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

#### *Certification in Lieu of a Regulatory Flexibility Analysis*

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

#### **The Proposed Rulemaking**

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

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

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

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

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

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

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

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

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

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

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

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

#### *Direct Impacts on Small Entities*

Moreover, small entities will be directly affected as a result of FS' decisions. The word "direct" is defined as "to regulate the activities or course of action thereof; stemming immediately from a source, cause, or reason; operating without agency or step..."<sup>2</sup> Small entities that already operate in national forests will have their operations seriously curtailed. (FS recognizes that the majority of these entities are small.) These and others, like the construction companies that build the roads, may have developed their business plans based on expectations of continued access and as a result of previously published FS plans. These impacts need to be evaluated. FS has some data already that would allow it to do so. For example, according to Tables 4 and 6 of the IRFA, the proposal estimates that there will be a 43% reduction in forest harvest in the Manti-Lasal National Forest alone in Utah. Other forests, such as Dixie (Utah) and Shoshone (Wyoming) will experience reductions in harvest that exceed 20%. In Montana, the Helena Forest will experience a reduction in total harvest volume of 12%. In those same areas of the country, FS controls more than 50% of the forested land base.<sup>3</sup> For example, FS controls 52.3% of forested land in Montana; 66.6% of the land in Wyoming; and 68.5% of the forested land in Utah.<sup>4</sup> Considering the vast amount of area owned by the FS, moving to or procuring from another location to harvest or process natural resources may be unrealistic or a short term solution. The end result of this proposal may be the ultimate demise of small businesses and small governmental jurisdictions that rely on the resources.

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

<sup>2</sup> The Merriam Webster Dictionary.

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

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

*Information Provided By the Public Must Be Addressed in the FRFA*

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

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

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

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

<sup>6</sup> *Id.*

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

<sup>8</sup> Testimony of Laura Skuter, Northwest mining Association

*Alternatives Provided By Public Must be Given Full Consideration*

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

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

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

*Conclusion*

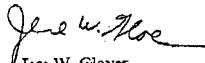
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential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

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

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

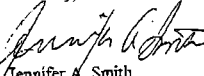
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



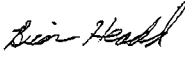
Jere W. Glover  
Chief Counsel  
Office of Advocacy

Sincerely,



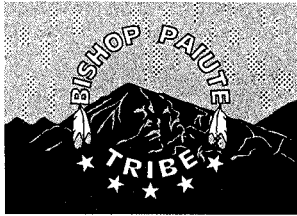
Jennifer A. Smith  
Assistant Chief Counsel  
for Economic Regulation &  
International Trade

Sincerely,



Brian Headd  
Economist

Cc: Charles Rawls



# BISHOP TRIBAL COUNCIL

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T U U U S

CAET RECEIVED  
JUL 13 2000

March 15, 2000

Jeff Bailey, Supervisor  
Inyo National Forest  
Bishop, CA 93514

Dear Jeff:

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

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

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

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

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

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

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

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

Sincerely,

*Monty Bengochia*  
Monty Bengochia, Chair  
Bishop Tribal Council

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

E-Mail [mervin@telis.org](mailto:mervin@telis.org)

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

*Ketchikan Indian Corporation*

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

USDA Forest Service - CAET

T T T 5

July 14, 2000

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

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

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

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

**FACT RECEIVED**  
**JUL 17 2000**

Dear Sirs:

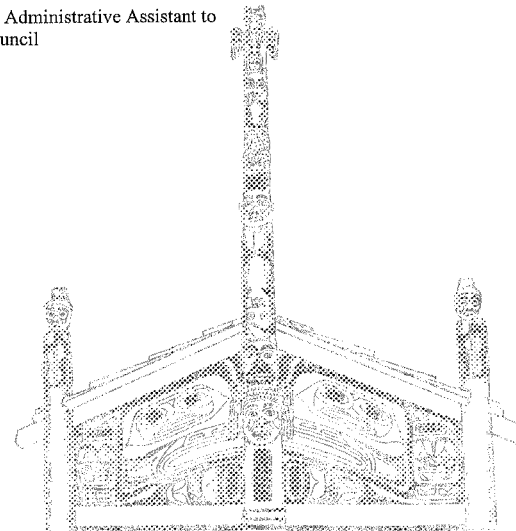
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

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

Sincerely,

Cheryl Haven, Administrative Assistant to  
KIC Tribal Council

Enclosure



KIC

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### Ketchikan Indian Corporation

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

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

#### Position Statement

submitted by Merle Hawkins, Tribal Council and Subsistence Committee Chair

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

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

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

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

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

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

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

**Tongass.**

*Merle Hawkins*

Signed: Merle Hawkins, KIC Tribal Council

and Subsistence Committee Chair

*July 13, 2000*

Date

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### The Klamath Tribes

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

7 7 2 5

CAET RECEIVED

JUN 29 2000

June 19, 2000

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

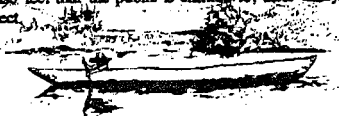
Dear Secretary Glickman:

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

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

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

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



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

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

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

Sincerely,

Allen Foreman  
Tribal Chairman  
The Klamath Tribes



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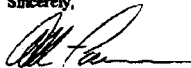
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D. Glickman, U.S. Sec. of Ag., June 16, 2000  
Page 2

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Sincerely,



Allen Foreman  
Tribal Chairman  
The Klamath Tribes



Nez Perce

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

July 14, 2000

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

RE: Roadless Areas Proposed Rules

Dear Madam or Sir:

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

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

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

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

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

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

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

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

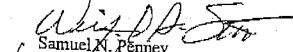
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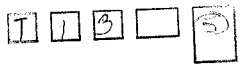
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The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments,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

Sincerely,

  
Samuel M. Penney  
Chairman

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DATE: July 17, 2000

TO: USDA Forest Service

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

RE: DEIS Roadless Areas Proposal

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

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

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

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

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

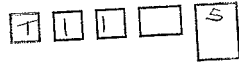
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

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

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

Sincerely,

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



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13 July, 2000

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

Subject: Roadless Initiative --- Proposed Rule and DEIS

To Whom It May Concern:

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

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

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

JUL 17 2000

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

Sincerely yours,

SEALASKA CORPORATION

Robert W. Loescher  
 President and Chief Executive Officer

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

GENERAL COMMENTS

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

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

DETAILED COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Development is not necessarily antagonistic to other values. In the Pacific Northwest, including Alaska, the modification of stream riparian areas, using methods such as partial timber harvest, has resulted in providing more food for invertebrates, which are the animals that initiate the food cycle that results in more food for fish. In addition, different species of anadromous fish prefer different kinds of in-stream habitat. Stream access allows fishery biologists to manage the habitat for the most desirable species. Forest Service and other scientists are discovering that secondary benefits can have a neutral effect or even positively accrue to stream productivity (Gregory et al<sup>1</sup>, Martin<sup>2</sup>, Murphy and Koski<sup>3</sup>, Murphy and Hall<sup>4</sup>, Murphy and Meehan<sup>5</sup>, Wipfli<sup>6</sup>).

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

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

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

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

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

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

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

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

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# Sitka Tribe of Alaska

Tribal Government Sitka, Alaska

## Tribal Resolution 00-25

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

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

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

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

### CERTIFICATION

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

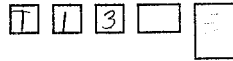
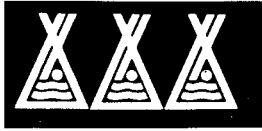
*Larry A. Weisman*  
Sitka Tribe of Alaska - Tribal Chairman

Attest:

*Doreen Jones*  
Sitka Tribe of Alaska - Tribal Secretary

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JUL 17 2000



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**THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON**

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

July 17, 2000

USDA Forest Service  
Box 221090  
Salt Lake City, Utah 97701

**RE: Roadless DEIS/Proposed Rule**

Dear Sirs:

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

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

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

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

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

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

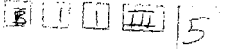
Sincerely,

Brad Nye  
Off-Reservation Habitat Policy Advisor

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

C:\WINDOWS\TEMP\roadlessproposedrule.wpd

25585

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

RECEIVED

JUL 13 2000

Comments of Carlton Smith, CEO Kootznoowoo, Incorporated.

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

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

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

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

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

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

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

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

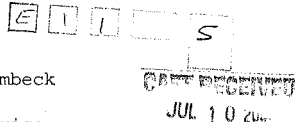
In summary, Kootznoowoo encourages the Forest Service to discard the Roadless Area Proposal for Alaska and return to professional multiple use forest land planning. There are many existing laws, regulations and plans that protect and manage the environment. The Roadless Area Proposal is not the way to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

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

United States Senate

WASHINGTON, DC 20510-5003

June 21, 2000



The Honorable Michael Dombeck  
Chief  
United States Forest Service  
Department of Agriculture  
Post Office Box 96090  
Washington, D.C. 20090

Dear Chief Dombeck:

I would like to take a few moments to comment on the Clinton Administration's proposal to restrict access on 40 million acres of our national forests.

I am strongly opposed to this effort and believe this entire proposal should be abandoned immediately. Like many people in Wyoming, I believe we should work to ensure that our public lands remain available for everyone to enjoy for generations to come. Although there are places in our state that are unique and should be managed for single uses -- such as wilderness areas -- the vast majority of federal lands in our state should support a variety of activities including hunting, fishing, and other uses.

In announcing the current proposal, President Clinton stated one of the primary objectives of the plan is to engage Congress and the American public in discussions on how to manage the forest road network. Unquestionably there are areas entirely inappropriate for roads, but that is an issue that can and should be addressed by public participation procedures currently in place. The implementation of a unilateral policy, which alters already approved forest plans and restricts the ability of the public to provide input, undermines the foundation of sound land management. The existing forest plans are the result of extensive public involvement and environmental review, and provide the proper means to address public land decisions.

16037  
CRAIG THOMAS  
WYOMING  
Secretary, Wyo

16037

The Forest Service has also justified the issuance of the new roadless policy as an effort to reduce environmental impacts on national forests. However, this policy contains no language to improve watershed management or reduce environmental degradation. Instead it trumps land management plans with a national directive. If implemented, the roadless area proposal would ultimately restrict access by recreationists, hunters, fisherman, and other responsible multiple-use enthusiasts. I want you to know that I, and others in Congress, remain committed to keeping The Honorable Michael Dombeck these lands open to the public and will continue fighting the Administration's unfair policies.

Thank you for this opportunity to comment on this proposal. Please know that I will continue my efforts to prevent the Administration from running roughshod over Wyoming's interests.

Best regards,

Craig Thomas  
United States Senator

JUN-27-00 14:36 From: REP. CUBIN  
 JUN 21 2000 4:42 PM  
**BARBARA CUBIN**  
 WYOMING-AT LARGE

COMMITTEE ON COMMERCE  
 SUBCOMMITTEE:  
 TELECOMMUNICATIONS, TRADE AND CONSUMER PROTECTION  
 HEALTH AND ENVIRONMENT

COMMITTEE ON RESOURCES  
 SUBCOMMITTEE:  
 ENERGY AND MINERAL RESOURCES, CHAIRMAN  
 NATIONAL PARKS AND PUBLIC LANDS

DEPUTY WHIP

Mr. Michael Dombeck  
 Chief  
 U.S. Forest Service  
 P.O. Box 96090  
 Washington, DC 20090

Dear Chief Dombeck:

I am writing to ask that you extend the comment period for the Draft Environmental Impact Statement (EIS) for the Roadless Area Initiative by an additional 120 days.

It concerns me a great deal that my constituents, as well as others, are not able to meet the comment deadline on the DEIS. It is my understanding from numerous Wyoming residents, business communities, mineral owners, ranchers, recreationists, timber producers, and local officials, that the document is very cumbersome and extremely complex. Sixty (60) days is simply not enough time to review, digest, and make adequate comments on the proposed initiative.

As you well know, the Roadless Area Initiative will have tremendous effects on the people and public land managers across the nation. I believe the Draft EIS is lacking scientific technical information, specifically with regard to oil and gas leasing, and will require a thorough examination.

In fact, at a recent Resources Subcommittee hearing on fire management on federal lands, I brought up the Social Effects section of the Roadless Area DEIS. In part, this section of the DEIS states: "Even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, and poor housing, social services, and community infrastructures.

I was pleased that the witnesses representing the U.S. Forest Service agreed to expunge that section from the DEIS. My recommendation, therefore, is since the section is no longer part of the original DEIS you allow additional time for the public to review the newly revised document.



Congress of the United States  
 House of Representatives  
 June 23, 2000

Rep. At Fax Note	7/671	4/21	pages 2
To	Vivian Stokes	Jackie	
By	Rep. Cubin	Rep. Cubin	
Phone #	347-6195		
Fax #			

3072616597 16038-197 P.01/02 Job-525

WASHINGTON OFFICE:  
 1114 LONGMONT BUILDING  
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 (307) 362-4095  
 FAX (307) 362-4097

barbara.cubin@mail.house.gov  
 www.house.gov/cubin

Walden, WY  
 6/27/00

JUN-27-00 14:36 From: REP. CUBIN  
 JUN 21 2000 4:42 PM

3072616597 T-197 P.02/02 Job-525

16038

Your efforts in seeing that my constituents are afforded the process would be greatly appreciated. I look forward to a timely response.

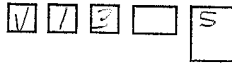
Sincerely,  
  
 Barbara Cubin  
 Member of Congress

BC/jk

out of scope  
forwarded to  
Transportation Plan

2828

2828



JIM GERINGER  
GOVERNOR

STATE CAPITOL  
CHEYENNE, WY 82002

May 1, 2000

CAET RECEIVED

JUN 06 2000

Dr. Michael P. Dornbeck  
Chief, U. S. Forest Service  
P.O. Box 96090  
Washington, D.C. 20090-6090

Re: Notice of Proposed Rule, National Forest System Road Management and Transportation System, Federal Register, March 3, 2000, Volume 65, Number 43

Dear Chief Dornbeck:

On behalf of the State of Wyoming, the staff of the Office of Federal Land Policy reviewed the referenced proposed rule and environmental assessment for National Forest System Road Management Strategy. At my direction, they also distributed these items to all affected state agencies for their review, in accordance with state clearinghouse procedures. Attached you will find a copy of the letter that the Office of Federal Land Policy provided to the Forest Service office in Salt Lake City.

This most recent of five large-scale policy initiatives from your agency in as many months is surprising. Up until this year, your agency always fretted over the lack of resources and time to provide timely management reviews and decisions. Now we find that the Forest Service is quite prolific, but without either a quality or a comprehensive product. You have produced a draft environmental assessment on the road management policy, and you have an environmental impact statement in the works on the roadless initiative, but there is no one document that describes the interrelationships of the roadless initiative, the road management plan, the proposed planning regulations, the strategic plan, and the unified policy for watershed approach. You owe it to the public to allow them to review and understand the inter-relationships of your various initiatives and documents. No one seems to know what effects any one of these initiatives might have on the others. You are revising the entire transportation system and road management policy for the National Forest System with a great deal of frenzy and not much substance. Good and honest government demands that you do better.

I am shocked that the Forest Service could, with any sense of sincerity, conclude that this rule will not have a significant economic impact on small businesses when considered in light of the Regulatory Flexibility Act (5 USC 601). Sawmills and timber related businesses in Wyoming would likely disagree with that statement, as would I. Your own information in the Federal Register Notice states that the road management policy would result in a loss of approximately 3,700 jobs in the timber

Further, the stated maintenance backlog (\$8.4 billion) compared to the miles of roads (380,000) equates to more than \$22,000 per mile for maintenance. This is seriously inflated. And, even if this were true, then why is the Forest Service requesting less money for road maintenance for FY2001 instead of more? That would increase the backlog, but then perhaps that is your intent.

Construction of a new road would require quite a scientific and analytical process. However, the Forest Service approach to decommissioning a road proposes no such process. I suggest that with the serious economic and social implications, you should be fair in implementing the same rigorous process in order to decommission a road.

From the beginning of this proposed rule two years ago, the cooperative partnership that has already taken place at the local forest level is constantly thrust aside for your dictatorial approach from the top. Forest and travel management plans which address these issues already exist. They were developed through a public process with local, state, and national input and are already contained in Forest Plans, Environmental Impact Statements, and other planning documents that the USFS is required to do under existing law. All of your recent letters to and discussions with those of us in the Western Governors' Association ring hollow. I have said before and I will state again that this proposal, which would negate our previously cooperative and comprehensive processes is ill-conceived and disingenuous. Your conscience as well as the stewardship laws under which you operate should move you to a better remedy.

Best regards,

Jim Geringer  
Governor

JG:jh  
Enclosure

cc: Senator Craig Thomas  
Senator Mike Enzi  
Representative Barbara Cubin  
Regional Forester Lavery  
Regional Forester Blackwell  
Jim Souby, WGA  
Natural Resources Sub-Cabinet  
George Frampton, CEQ  
Secretary Glickman, USDA  
Stan Sylva, USFS/State Liaison

E-MAIL: [governor@niissc.state.wy.us](mailto:governor@niissc.state.wy.us)  
WEB PAGE: [www.state.wy.us](http://www.state.wy.us)



TELEPHONE: (307) 777-7434  
TDD: (307) 777-7560 FAX: (307) 632-3909



STATE OF WYOMING  
OFFICE OF THE GOVERNOR

JIM GERINGER  
GOVERNOR

May 9, 2000

STATE CAPITOL  
CHEYENNE, WY 82002

2816 Roadless

CAFT RECEIVED

JUN 05 2000

John D. Podesta  
Chief of Staff to the President of the United States  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. Podesta:

I appreciate that President Clinton has requested impact information from the Western states regarding the roadless area proposed rule sent to you for his review. Perhaps as both you and the President review this information, you will understand why we are concerned that the State of Wyoming's request to be designated a cooperating agency on the roadless initiative, under the directives in the National Environmental Policy Act, may have been denied. I still have not received any formal written indication that our request has indeed been denied, and would request your assistance in stimulating a more positive reply from the Forest Service.

The attached impact analysis, prepared by our Wyoming Office of Federal Land Policy, is a brief and preliminary synopsis of the impact that the State of Wyoming would suffer under the roadless area initiative. The proposed rule would have a tremendous and long lasting negative economic affect on the State of Wyoming. Just this past Friday, I received notice that Pope and Talbot is shutting down their timber mill in Newcastle, Wyoming due to the lack of timber supply. I'd like you to explain to the hundreds of people in northeast Wyoming who are hurt by the closure, why the President would allow such an impact that is entirely due to the inappropriate evaluations of indiscriminate rule-making by the Forest Service.

I cannot understand how the Forest Service could assert that the State of Wyoming lacks jurisdiction, constitutional primacy, and the professional expertise to be a cooperating agency in this and other NEPA evaluations on issues which affect the State of Wyoming. The Forest Service would certainly benefit from our assistance.

Received in FS/CCU  
Initial: KH  
Control No: 4154470



Roadless Proposal Impacts - State of Wyoming

The following items are offered for your consideration as to the impacts of the roadless proposal on lands in the State of Wyoming.

**a) School Trust Lands** - In Wyoming, five (5) sections of trust lands would be affected by the roadless proposal. While it is difficult to determine the exact funding deficit that would result from loss of access or restricted access, the land itself has an estimated value of \$1,000 per acre. Thus, five (5) sections, each being 640 acres equals 3,200 acres which would thus equal \$3.2 million dollars, the present worth. This does not account for any loss of future benefits that might be derived from resources/uses of the land.

Also, the 3,200 acres does not include school trust lands in the Thunder Basin National Grasslands as that planning process is not complete and therefore the nominations for wilderness designations are not finalized.

**b) Recreation** - For those sections of State land affected by the roadless proposal there is a concern that the potential to develop recreational opportunities will be lost. Indeed, recreational opportunities will be lost on lands both state and federal under the roadless proposal.

**c) Rights of Forest Inholders** - The proposal may deny the reasonable right of access to their lands pursuant to 16USC §3210(a) that requires the Secretary of Agriculture to provide access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. The State of Wyoming's boundaries encompass all or significant portions of the Bighorn National Forest, the Shoshone National Forest, the Bridger-Teton National Forest, and the Medicine Bow/Routt National Forest. In addition, our borders contain smaller portions of the Black Hills National Forest, the Wasatch-Cache National Forest, the Ashley National Forest, the Targhee National Forest, and the Caribou National Forest. When all or portions of nine National Forests are located in our state it is reasonable that significant access issues for inholders will be encountered.

**d) Private/State Forest Lands** - Disallowing timber production on federal land will shift that activity to private and state lands where states are the regulators. These are impacts that states must budget and plan for accordingly. The timelines of this proposal certainly haven't allowed for such.

**e) Timber Dependent Communities** - Wyoming has many small business and communities tied to the timber industry. There are nineteen timber processing businesses in our state. Those nineteen directly employ 845 people and 689 contract positions. Salaries for these citizens total \$50 million annually. It's estimated that the State of Wyoming receives over \$500,000 in sales and real estate taxes from this sector. Local expenditures are approximately \$7 million and the value of the wood produced is approximately \$100 million. This is significant not only in terms of economic value but significant for those



Roadless Proposal Impacts  
State of Wyoming  
Page Two

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1,500 persons employed by the timber industry and their families, not to mention the local businesses that provide goods and services.

In addition to the timber related businesses, Wyoming's counties receive approximately \$2 million annually from their 25% of forest service receipts. These monies are not derived solely from timber sales but a large portion is attributable to that revenue.

*f) Forest Health* - Properly managed lands face less risk of catastrophic fire. And, in the event of a fire, access is essential. Further, having roads in place reduces the costs associated with fire suppression. Finally, roads are essential for clearing forests of the buildup of fuel which in turn helps to slow or halt the spread of diseases and insects.

Should the roadless proposal become reality, we can reasonably expect that untreated/unmanaged forests are at greater risk for fire, insects and disease. We can also reasonably expect that when these problems occur on National Forest System lands they may spread to private and state lands. While this situation has occurred in the past, the future would be worse if access were limited or just not available. For example, State and Private costs incurred on the Dorn Draw Murphy Ridge, Sand Draw, Sheep Mountain and Outlaw Fires (fires which started on National Forest System lands and spread to state and private lands) totaled over \$500,000. The state and private contribution to the total costs of each of the fires ranged from 3% to 68%!

Many inventoried roadless areas have a significant forest health risk of mortality and areas where mortality is greater than growth. One specific example in Wyoming is the Tie Camp Analysis Area (which has been put on hold because of the 18 month moratorium on road building in roadless areas). Letting the forests die when they could be vigorous and productive is not responsible management of our resources.

*g) Wildlife Protection* - Roadless areas are generally positive for wildlife. However, some species are dependent on the edge effects of roads. Further, there are wildlife benefits that can be derived from planned management of the forest. For example, the Ramshorn project (which has also been put on hold because of the 18 month moratorium on road building in roadless areas) was being designed to improve long-term grizzly bear and other wildlife habitat with the Wyoming Game and Fish Department participating in the design of the project. That area has very high fire potential and a major fire would be detrimental to the habitat whereas a carefully planned timber harvest and regeneration project will improve the habitat in the long term and would reduce the risk of a catastrophic fire.

*h) Water* - There is a network of "Snowtel" facilities operated by the NRCS that monitor and track snow levels and moisture content (used in forecasting runoff). We are

Roadless Proposal Impacts  
State of Wyoming  
Page Three

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concerned that the roadless proposal might restrict access to these sites. Access is critical for operation and maintenance as well as for potentially installing new sites.

There are a number of water rights that have been issued that allow direct diversion, trans-basin diversion or storage within National Forest lands in Wyoming. If the facilities fall within a roadless area, the State Engineer's office staff and owner must still be allowed access to the facility for regulation, operation and maintenance.

Finally, we are concerned that change in land management conditions may also change the hydrologic condition (historic runoff, etc.).

*i) Minerals* - Recently, the Wyoming State Geological Survey completed a minerals survey for use in the Medicine Bow National Forest Plan Revision. While this is only one of the nine forests which are located partially or wholly within Wyoming's borders, it is indicative of the tremendous minerals potential.

Several industrial mineral sites were identified in areas proposed for roadless designation. Some of these are decorative stone sites, others are dimensional stone. The decorative and dimensional stone industry is undergoing significant growth in Wyoming. As it continues to grow, the value of these products will only increase. Further, uranium producing deposits similar to those found in Canada and South Africa have been found in the Sierra Madre and Medicine Bow mountains. The potential for a uranium source and production is present.

The entire Medicine Bow National Forest is considered to have high to moderate potential for diamondiferous kimberlite (one of only two rock types that are known to contain commercial amounts of diamond). Commercial diamonds typically generate millions to billions of dollars in revenue over the lifespan of a mine.

There is also a history of copper, silver and gold mining in the area, there is still favorable potential for those base metals, as well as for zinc and lead.

Perhaps the most interesting potential and the one that causes a great deal of concern to the State of Wyoming if exploration isn't possible is the high potential for discovery of platinum group metals. These include platinum, palladium, gold, silver, copper, titanium, chromium and vanadium. Since there are only two other known platinum sources (Russia and South Africa and Russia's supply is dwindling) the possibilities for exploration and development of this resource cannot be diminished. The Mullen Creek Complex in the Medicine Bow Mountains hosted one of the only known platinum-palladium mines in North America (the New Rambler) which produced 1,753,924 pounds of copper, 171 ounces of gold,

Roadless Proposal Impacts  
State of Wyoming  
Page Four

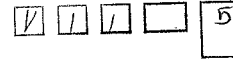
7,346 ounces of silver, 16,870 ounces of palladium and 910 ounces of platinum. The Lake Owen complex resource figures for vanadium (one of the lowest valued metals in the complex) estimated 1.4 billion tons valued at \$33,000,000,000 in 1988. This doesn't even account for the higher value metals. This deposit alone could ultimately produce billions of dollars in metals while reducing America's dependence on foreign sources of these critical and irreplaceable minerals.

This is only information on the Medicine Bow National Forest. Consider that the Shoshone National Forest has high potential for silver, gold, lead, zinc and copper deposits. The Wind Rivers are known to have diamonds, gold and iron. The Bighorns have diamonds and dimensional limestone. The Black Hills have limestone and basalt. The Bridger-Teton National Forest has dimensional limestone and granites. There is so much at stake with the potential UNKNOWN resources that could be locked up by this roadless area protection initiative. These could have tremendous gross economic value as well as providing a domestic source of minerals which have no substitute and which are integral to many products upon which we depend. The American public deserves the opportunity to at least explore these resources!

JUL-17-2000 16:58

OFFICE OF FEDERAL LAND PO

307 777 3524 P.01/03



STATE OF WYOMING  
OFFICE OF THE GOVERNOR

JIM GERINGER  
GOVERNOR

July 17, 2000

STATE CAPITOL  
CHEYENNE, WY 82002

Dr. Michael P. Dombeck  
Chief, U.S. Forest Service  
201 14<sup>th</sup> Street, S.W.  
Washington, D.C. 20250

Dear Chief Dombeck:

On behalf of the people of Wyoming, I must comment further on the Roadless Area Conservation proposal. I continue to believe that your directives to the Forest Service to evaluate road and roadless policies within your area of stewardship are not public minded, but are disingenuous and contrary to both the spirit and the letter of the National Environmental Policy Act.

Your actions belie the words of support that you have sent to me and the western governors as we work to implement collaborative approaches with you on resource management issues. I continue to work in Wyoming to partner with federal agencies, and we have worked towards establishing an atmosphere of mutual trust, respect, and community based values and considerations. You continue to set aside our efforts, at the same time you demoralize your own Forest Service people in the field and risk permanent dismissal of a great deal of hard work.

At my direction, the Office of Federal Land Policy has reviewed the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) on behalf of the State of Wyoming. They provided the DEIS to all affected Wyoming state agencies for their review and asked for their comments. I have attached their comments on the DEIS and have also sent them to the content analysis team in the Salt Lake City office.

The public hearings that have been conducted around Wyoming have been categorized by several attendees as a sham. I personally directed that the staff of the Office of Federal Land Policy attend these meetings. They attended eight of the eleven meetings held around the state and have confirmed to me that the meetings were less than informative, but the lack is not the overall fault of your local Forest Service employees. For their part in conducting scooping meetings, they were given little to no information for their use in answering questions. And most recently, members of the public were offered a whopping three minutes each to comment on

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WEB PAGE: [www.state.wy.us](http://www.state.wy.us)



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56494  
3 pages  
hard copy in  
the mail

56494

July 17, 2000  
Page Two

matters that will affect them for a lifetime. This amount of time was not realistic. Forest Service employees were embarrassed to enforce such a limit. I am left to presume that you designed the extremely short analysis period, and denied our western states cooperating agency status in order to support a predictable, pre-election announcement geared to support your presidential candidate. You should leave politics out of your job, Mike. Your approach places a high value on counting hundreds of form letters, impersonal post cards, and chain letter e-mails, but sets aside substantive deliberation and informed evaluation. We believe that public input should be measured as to its substance, along with the numbers of those who show up to participate.

For the forest plans currently in revision or planning for revision in the near future, your new process will continue to undermine public stewardship and trust. Planning dollars are a scarce commodity and should not be squandered on a sham. Reallocation of those planning dollars for this roadless initiative is having a negative impact on those forests that need to revise their forest plans, as prescribed, that includes local input and public participation, the way it should be done. You have not only created a de-facto wilderness, you have set aside your Congressionally mandated obligation to encourage multiple use.

I continue to believe that the extraordinarily short time frame allowed for the public to consider and comment on this proposal is unrealistic and has been only a process of "going through the motions" to take you to the end result of a predetermined outcome.

As well, I still contend that if the proposed rule and DEIS are carried forward to a final rule, it will violate both the letter of the Wyoming Wilderness Act of 1984 (P.L. 98-550) and the Congressional intent. We, in the State of Wyoming, have asserted this possibility previously and you have yet to respond.

You continue to ignore concerns for access for those with disabilities. The Wyoming Veterans' Affairs Commission has expressed grave concerns for our veterans who may be elderly or have diminished abilities to access their national forests. Other recreationists may be disabled or less-abled and wonder how they will access their lands. Has there been an analysis of the Americans with Disabilities Act (ADA) implications? If not, why not? Please address this oversight in the DEIS as an ethical and moral obligation to recreationists of different abilities. This omission alone should send this plan back to the drawing board.

Wyoming and its timber industry recently suffered a blow in the loss of the Pope and Talbot mill in Newcastle, Wyoming. Restricted U.S. Forest Service harvests caused the closure of the mill according to mill officials. Other mill operators are plagued with uncertainty over access to and supply of timber. In Newcastle, approximately 125 persons are now unemployed in a town with a population of 3,000 people. I expressed my concerns to President Clinton last spring and followed up with the President during our conversation in State College, Pennsylvania last week. His reply was "Yes, I owe you a reply." Both of you need to get off your dogma and take action.

56494

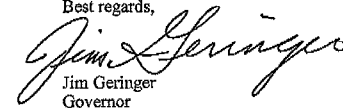
July 17, 2000  
Page Three

As noted, recreationists, the minerals industry, the timber industry and many other user groups will be affected by your roadless proposal. To add insult to injury, your characterization of our hard working people is outrageous and patently offensive, regardless of your meager attempts to subsequently convey a note of regret that you even uttered these words:

"Even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of populations turnover, high divorce rates, and poor housing, social services and community infrastructures....Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them." (P. 3-190 DEIS)

Your bias against common people exemplified by your stereotype of them gags even the most callous among us. Set aside your agenda and join us in true stewardship, Mike. That's the best legacy you could leave America as chief of her forests.

Best regards,



Jim Geringer  
Governor

JG:arjh:lq

cc: Senator Craig Thomas  
Senator Mike Enzi  
Representative Barbara Cubin  
Wyoming Cabinet  
Jim Souby, Western Governors' Association  
George Frampton, Council on Environmental Quality  
USDA, Secretary Dan Glickman  
Lyle Laverty, Rocky Mt. Regional Forester  
Jack Blackwell, Intermountain Regional Forester  
Stan Sylva, USFS/State of Wyoming Liaison  
Wyoming County Commissioners  
Joe Evans, WY County Commissioners Association  
Wyoming Veterans Affairs Commission  
Governor's Council on Developmental Disabilities

TOTAL P.03

USFS CAET  
Attention: Roads  
P.O. Box 221090  
Salt Lake City, UT 84122

Re: Notice of Proposed Rule, National Forest System Road Management and Transportation System, Federal Register, March 3, 2000, Volume 65, Number 43

Dear Sir or Madam:

On behalf of the State of Wyoming, the staff of the Office of Federal Land Policy reviewed the referenced proposed rule and environmental assessment for National Forest System Road Management Strategy. We also distributed these items to all affected state agencies for their review, in accordance with State Clearinghouse procedures. Attached are letters from the Wyoming Game and Fish Department, the Wyoming Department of Agriculture and the Wyoming State Geological Survey which resulted from their reviews. State agency comments are specific to their respective agency missions. While the State defers to their respective technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and positions lies with the Governor or the Office of Federal Land Policy.

You will note that we have attached a letter that was sent from Governor Geringer to Chief Dombeck. Please include this in your record. In concert with our Governor, this office would also like to express our frustration with the fact that this is one of five large-scale policy initiatives from your agency in as many months. In addition there are on-going forest plan revisions in our region. It is simply more information that the general public or government agencies (including the local USFS personnel who are at a loss to explain or reconcile these concurrent issues) can process and truly grasp, particularly given the fact that all these initiatives are interrelated. Along those lines, there does not exist one comprehensive document that describes the interrelationships of the roadless initiative, the road management plan, the proposed planning regulations, the strategic plan and the unified policy for watershed approach. We believe it is imperative to do such an analysis and to provide the public with an opportunity to review that sort of documentation. It is impossible to know the effects of one of these initiatives without considering the additive effects of the others.

We agree that it is important for the Forest Service to develop a comprehensive inventory of roads. We also believe that it is prudent for the Forest Service to spend its limited road

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All actions should be analyzed through NEPA in a consistent and measured manner. This proposed rule lends more emphasis to decommissioning roads than to just maintaining the current system let alone building any new roads. Access to our national forests is necessary to be able to pursue all the multiple uses that Congress fully intended that the forests should offer the public of the United States. Further, as noted in the comments from the Game and Fish Department, "It is vital for the success of this process to provide publics and local, state and tribal governments ample opportunity early and throughout this effort..." We wholeheartedly agree!

Additionally, we believe that an EA is insufficient to analyze a policy change with national implications - revising the entire transportation system and road management policy for the National Forest System! According to the Council on Environmental Quality's (CEQ) Regulations and CEQ's Forty Most Asked Questions for implementing the National Environmental Policy Act (NEPA), an environmental assessment serves the function of determining whether or not an environmental impact statement (EIS) is necessary. If an EIS is not necessary, then there are likely no significant impacts, resulting in the issuance of a Finding of No Significant Impact (FONSI). This proposed rule will certainly have *significant* impacts and as such, a FONSI is not possible and an EIS is warranted.

The CEQ has advised agencies that an EA should be no more than approximately 10-15 pages. While there are some cases where a lengthy EA is necessary, it is usually an indication that an EIS is necessary. The EA for the National Forest System Road Management Strategy is 76 pages in length with an additional 34 pages of appendices. There is almost one page of appendices for every two pages of the document. This ratio belies the complexity of the issue. We suggest that if the subject matter alone, with its far reaching implications, doesn't sound a warning signal, that the length of the EA should at least indicate to you that this is a significant issue and an EIS is required.

More disturbing still is the fact that you analyzed "No Action" and a "Proposed Action". That's it. NEPA requires that you analyze a full range of alternatives and you have not met that requirement.

As Governor Geringer pointed out, we find it outrageous that the Forest Service could, with any sense of sincerity, conclude that this rule will not have a significant economic impact on small businesses when considered in light of the Regulatory Flexibility Act (5 USC 601). Sawmills and timber related businesses, grazing permittees and related businesses, recreationists and related businesses, minerals exploration and extraction businesses in Wyoming would likely disagree with that statement! Your own information in the Federal Register Notice

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timber industry alone and an annual loss of \$10 billion in recreation. This insignificant is an insult to the families of all those who will be unemployed. Further, you did not provide any impact information regarding grazing, recreation, the minerals industry and related main street businesses. We request that you reconsider that statement and to re-think the "no significant economic impact" theory. *There will be significant impacts.*

The stated maintenance backlog of at last \$8.4 billion (and possibly as much as \$11 billion) compared to the miles of roads (380,000) equates to at least \$22,000 per mile for maintenance. This is seriously inflated. Even if this were true, then why is the Forest Service requesting less money for road maintenance for FY2001 instead of more? That would increase the backlog - but perhaps that is the intent.

In order to construct a new road, there will be an in-depth analytical process that will be prescribed. We assume, in the interest of fairness, that you plan to utilize that same process for determining whether or not to decommission a road.

It is disturbing that the United States Forest Service, established with the overriding objectives of "... securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the United States" (16 U.S.C. 475) would suggest that there is ample timber from other lands (state, private and even other countries) to meet the needs of the United States. Many other nations do not have environmental controls like those in the United States, so we will suffer the global consequences of environmentally unfriendly timber harvest from those nations. Would it not be logical to scientifically harvest our own ample supply of timber under environmental considerations and with public involvement? Further, why would the United States want to increase our dependence on foreign sources when there is no need to do so? Why would we not want to employ our citizens in viable jobs when there is opportunity to do so? Our forests are to be managed for MULTIPLE USE. The thrust of this proposed rule and of the other host of recent management proposals from the U.S. Forest Service indicates that the forests will not be accessible and there will be no use that will be possible. Once again we are seeing a flawed premise that biology and sustainability far outrank socio-economic considerations. Multiple use means you can and should have both. It is harder to do, of course, but it means having meaningful dialogue with all of the publics and scientifically managing forests for all uses.

Statutory enactments since the 1897 Organic Administration Act have added uses for which the national forests may be managed but did not change the primacy of securing favorable water flows and timber production. Congress has not changed the law and under the Property Clause of the U.S. Constitution, control of the forest system by Congress is absolute. We question whether or not these five concurrent issues is not an attempt to dilute the absolute. If there is to be any change in management of the National Forest System it must come from the U.S. Congress. Until such time, the National Forest System must be managed according to the

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It is our understanding, having consulted with the public, that the nation's forests are facing an immense forest health crisis. Millions of acres are at risk of insect and disease epidemics and catastrophic wildfire. Access (roads) to areas which require active management is essential. Surely the agency responsible for maintaining this healthy and vigorous resource recognizes this crisis and will not impede it's resolution.

We state once again that we believe the process that exists, which provides for decision making at the Forest level, is the most responsible means of conducting planning and decision making. Forest and travel management plans are developed through a public process, with local, state and national input. Any new proposal to negate that comprehensive process would be a mistake.

Finally, we request that you give the public an opportunity to visit with the Forest Service about this proposed rule and environmental assessment at public meetings, none of which are presently scheduled, before making any determination about a final rule.

Thank you for the opportunity to comment.

Sincerely,

*Art Reese*  
Art Reese  
Director

AR:jh

Enclosures (4)

cc: Governor Geringer  
Senator Craig Thomas  
Senator Mike Enzi  
Rep. Barbara Cubin  
Regional Forester Lavery  
Regional Forester Blackwell  
Jim Souby, WGA  
Natural Resource Sub-Cabinet  
George Frampton, CEQ  
Sec. Glickman, USDA  
Stan Sylva, USFS/State Liaison

TOTAL 1



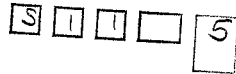
JIM GERINGER  
GOVERNOR

State Of Wyoming  
**Office of Federal Land Policy**

July 14, 2000

CAET RECEIVED

JUL 17 2000



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

Dear Sir or Madam:

On behalf of the State of Wyoming, this office has reviewed the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. We also provided the document to all affected state agencies for their review, in accordance with State Clearinghouse procedures. Enclosed you will find letters from the Wyoming Department of Transportation, the Wyoming Game and Fish Department, the State Historic Preservation Office, the State Geological Survey, the State Engineers Office, the State Forestry Division, the Wyoming Department of Agriculture and incorporated in this letter the thoughts of the State Trails program, all of which resulted from their reviews. State agency comments are specific to their respective agency missions. Please give these comments every consideration. They contain a great deal of information which will be useful to you. While the State defers to their technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and unified positions lies with the Governor of the Office of Federal Land Policy.

This proposed rule and Draft Environmental Impact Statement are vague and therefore superficial both in content and analysis. This attempt to gloss over so many significant issues has resulted in a document that cannot be adequately analyzed in terms of "total picture" impact to the State of Wyoming. Comments submitted by state agencies represent their specific missions. Predictably, since particular agency missions differ widely, the roadless proposal might be beneficial to some agencies, not so with others. However, the one point upon which all state agencies agree, is that this proposal has been rushed. There has been inadequate time for thorough review and the process has been flawed. A flawed process generally results in a flawed outcome. Surely the Forest Service could have benefitted from the expertise of our state agencies in developing this document. Instead, when the State of Wyoming requested Cooperating Agency Status under the National Environmental Policy Act, we were verbally denied because this is a "national issue". In a letter dated May 26, 2000 directed to Governor Geringer and signed by Scott Conroy, it was also not formally denied but instead said thanks for asking but Chief Dombeck and Undersecretary Lyons already outlined

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Roadless Areas Proposed Rule & DEIS  
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collaborative procedures. In other words, that's good enough. This is offensive given that the drafting of the document not to mention the printing and distribution have barreled ahead at unprecedented speed with virtually no interaction with the state and local governments that will be profoundly affected by the results of this initiative if it is carried out as proposed.

Specific to the distribution of the document, the State of Wyoming requested 18 full paper copies, 2 CD-ROM versions and six summaries to distribute to all its affected agencies. We ordered this information per your instructions and on April 14, 2000. To date, the Governor has received one copy and the Office of Federal Land Policy received one copy. No other copies were ever delivered to our office. There was no communication whatsoever. This office did indeed obtain copies from another source. This was not something that your office knew nor was it something that should have been assumed. We did not - even gaining copies ourselves - have sixty (60) days to review this proposal. There have been no extensions granted. Where does this leave us?

The FS notes how many comments were received. Yet, the comments submitted by the State of Wyoming and its agencies were not given adequate, if any, consideration. We are left to wonder if the many other comments were treated similarly. Further, there is mention several times of the numerous meetings and hearings held. During the first round of meetings, little to no information was available. It was a waste of time and money not to mention embarrassing to your own employees who were on the front lines without having been provided adequate information to address questions. You also neglect to mention that there were time limits set for commenting. Setting a limit is not bad, but it should at least be realistic. In the latest hearings, your three minute limit for commenting was extremely short.

Though we raised the issue during scoping, you did not address or analyze the question of whether this proposal may violate the Wyoming Wilderness Act of 1984 (P.L. 98-550). We would appreciate the courtesy of a response.

The DEIS states that this proposed action does not restrict access. That may (or may not) be true right now but without the ability to maintain roads, access will become more and more limited as roads deteriorate. And, although presumably no roads (definition of a road comes into play here) will be closed - this pertains to numbered or designated roads. What about two-tracks? Will they be decommissioned?

In turn, our State Trails program noted some concern with regard to continued motorized access to National Forest lands. While the DEIS states that "the action alternatives do not directly address the balance between motorized and non-motorized

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recreation in unroaded areas" (page 3-171) it is difficult to believe this statement. Experience shows that, although they state these decisions will be deferred to local actions like Forest Plan revisions, national policy normally influences how local officials treat such issues. The roadless action alternatives will simply set the stage for no motorized access into unroaded areas. A document focused on the issue of roads that doesn't address motorized and non-motorized access is a deficient NEPA document.

The DEIS lacks a detailed social and economic assessment. Since NEPA requires federal agencies to address the human environment, where is the consideration for that? This whole document deals only with the ecological sustainability. And it does not do a very adequate job of that. Repeatedly, the document states that "not enough information was available." This should give the U.S. Forest Service pause. Making this sort of monumental decision without enough information is irresponsible. The NEPA regulations state that if relevant information is essential to making a reasoned choice among alternatives and the costs of obtaining it are not exorbitant, the agency shall include that information. (40 CFR 1502.22) The State offered to provide information (free or at a very minimal cost) and indeed could have filled in many of the gaps in the document but we were not asked or even allowed to assist when we offered!

As noted by our Governor in his letter to Chief Dombek, the Wyoming Veteran's Affairs Commission has expressed grave concerns with the abilities of veterans who may be elderly or disabled to access their national forests. Our constituents are asking how this will affect recreationists who may be disabled or less-abled and how they will access these lands? Has there been an analysis of the Americans with Disabilities Act (ADA) implications? If not, why not? We concur with Governor Geringer that this is a huge oversight in the DEIS and is an ethical and moral affront to recreationists of different abilities.

Additionally, the State Trails Program Coordinator shared with this office that from the recreation perspective, roads equate to access and to recreation opportunity. He has asserted that while approximately 20% of USFS lands are currently managed as "wilderness", these lands host only about 3% of all recreation which occurs on USFS lands. This disparity will increase if another 28% of USFS lands are classified and managed as roadless, because we believe they will, in effect, be managed as de-facto wilderness. The bottom line is that recreation access will be further decreased and recreation use will be further concentrated onto only about 50% of all USFS lands. The 3% of people who can get deep into the backcountry will gain another 51 million acres for their use and the remaining 97% will be concentrated into a smaller area. Thus, it is the contention of the trails program that the USFS will then find itself in the full time business of managing recreation user conflict.

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Several guiding documents produced by the U.S. Forest Service in recent months all have the same theme - ecological sustainability, biological diversity, etc. While we agree that these are important considerations, these same planning documents result in the U.S. Forest Service fundamentally altering their own mission from multiple use to a focus on ecological sustainability. This is seemingly in violation of the intent and direction of Congress and the National Forest Management Act and the Multiple Use Sustained Yield Act. We have previously requested a solicitor's opinion on this question and have not received a response. We ask again, is this legal for the Forest Service to alter its mission arbitrarily and if so, would you please provide us with solicitor's documentation that validates this change. We expect a timely response.

This entire roadless proposal and the acres affected is being based on the RARE II inventory. That information was suspect 21 years ago - now it's not only suspect but old. Further, I understand that even though some forests have more current road inventories, they may not be allowed to use their current information but may also be required to use RARE II inventories. That doesn't even make good sense. Why would the analysis team choose to do such a thing? NEPA requires the use of best available information.

There is no clear explanation of how the \$8 billion road maintenance backlog figure was determined. We would appreciate an explanation.

Since harvest amounts were based on using timber found in roadless areas, how will forests adjust allowable sale quantities (ASQ) and acres for harvest if they're not allowed to harvest from roadless areas? Will this require amendments to every forest plan?

The effects of road building are exaggerated. There are effects but they are not as horrible as they portrayed in the DEIS, neither are the benefits of not building roads as tremendous and wonderful. As it is portrayed in the document, one might believe that all 51 million acres are in immediate danger of being roaded. They are not. This is an untruth and isn't related to disclosure as NEPA requires so much as it is a method of delivery for a public relations message you wish to spin to the American people. As such, we are gravely concerned that since Vice President Gore has publicly announced his thoughts on the roadless proposal, it may bias the outcome. Have decisions already been made?

Does the Forest Service really believe that shifting harvest to less environmentally protected areas is a good idea? Many other nations do not have environmental controls like those in the United States, so we will suffer the global consequences of environmentally unfriendly timber harvest from those nations. Would it not be logical to

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scientifically harvest our own ample supply of timber under environmental considerations and with public involvement? Further, why would the United States want to increase our dependence on foreign sources when there is no need to do so? Why would we not want to employ our citizens in viable jobs resulting in healthier forests when there is opportunity to do so? Congress says that our forests are to be managed for MULTIPLE USE. The thrust of this proposed rule and of the other host of recent management proposals from the U.S. Forest Service indicates that the forests will not be accessible and there will be no use that will be possible. Once again we are seeing a flawed premise that biology and sustainability far outrank socio-economic considerations. Multiple use means you can and should have both. It is harder to do, of course, but it means having meaningful dialogue with all of the publics and scientifically managing forests for all uses just as the Congress intended. Again, we are back to a fundamental legal issue - can the U.S. Forest Service change it's mission without Congressional approval?

In this proposal as well as others (Planning regulations, Strategic Plan, Road Management Rules, etc) the Forest Service has proclaimed there will be no significant economic impacts. THIS IS UNTRUE! If you make such a claim then provide documentation as to what the exact impacts will be so a true determination of significance can be rendered.

Using the timber industry in the State of Wyoming as an example, there are many small business and communities tied to that industry. During scoping, there were nineteen timber processing businesses in our state. Now there are 18. Those nineteen directly employed 845 people and 689 contract positions. Now we must subtract 79 employees from that tally and subtract 50 contractors. Salaries for these citizens total \$50 million annually (minus, of course the citizens now unemployed by the closure of the Pope and Talbot Newcastle mill). It's estimated that the State of Wyoming receives over \$500,000 in sales and real estate taxes from this sector. Local expenditures are approximately \$7 million and the value of the wood produced is approximately \$100 million. This is significant not only in terms of economic value but significant for those 1,500 persons employed by the timber industry and their families, not to mention the local businesses that provide goods and services.

In addition to the timber related businesses, Wyoming's counties receive approximately \$2 million annually from their 25% of forest service receipts. These monies are not derived solely from timber sales but a large portion is attributable to that revenue. One final example, the community of Newcastle will lose \$28,750.00 in property taxes, per year, from the sawmill alone. It is cavalier for a federal agency to assert that the economic impact is minor. In our estimation, relative to this state's economy, this is

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significant to the State of Wyoming, its counties and in particular to those employed directly and indirectly (or laid off due to the mill closure) by the timber industry.

Even more offensive than saying the timber industry is insignificant is your characterization of loggers and mill workers. You boldly state that, "Many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education. For these people, what is at stake is not a traditional lifestyle and occupational culture, but rather an accessible route to a middle class lifestyle. If equivalent jobs were readily available, these individuals would be happy to take advantage of them." How can you paint such a broad brush picture? This is offensive and inappropriate. You owe an apology to this industry and its dedicated and skilled employees. There is no place in a federally generated document for this kind of subjective, offensive rhetoric.

Assuring access to private lands, state lands, etc...through valid existing rights is not enough. There is no thorough discussion of valid existing rights. Further, it does not put to rest the issue of access which is subject to the permitting processes which must be renewed from time to time. What happens when a permit is not renewed? Please provide more specific information on this topic.

Your statements regarding minerals are confusing. It is stated that "construction and reconstruction of roads considered reasonable and necessary for locatable mineral exploration and development would be allowed as a right of access guaranteed by the General Mining Law of 1872." Yet, it is also stated that the proposed action "would likely restrict the opportunity for exploration and development of presently undiscovered leasable mineral resources..." and that exploration and development of salable mineral resources might be restricted by the proposed action as well. So, we glean from this that IF the USFS determines road construction and reconstruction is reasonable and necessary (fairly arbitrary) one might be able to access locatable minerals for exploration and development but maybe not. And if the minerals are undiscovered, you might or might not be able to gain access to seek out potential mineral resources. It seems the bottom line is that access will be limited and the ability to gain access will be based solely on the discretion of whether it is necessary or reasonable.



15901



# Wyoming Department of Agriculture

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: (307) 777-7321 ■ FAX: (307) 777-6593  
E-mail: wda@missc.state.wy.us ■ Home page address: wyagric.state.wy.us

15891  
Jim Geringer, Governor  
Ron Micheli, Director

Roadless Areas Proposed Rule & DEIS  
July 14, 2000  
Page Seven

We state once again that we believe the process that exists, which provides for decision making at the Forest level, is the most responsible means of conducting planning and decision making. Forest and travel management plans are developed through a public process, with local, state and national input. Any new proposal to negate or re-direct that comprehensive process would be a mistake.

The State of Wyoming appreciates the opportunity to comment.

Sincerely,

Art Reese  
Director

AR;jh

Enclosures (6)

cc: Governor Geringer  
Senator Craig Thomas  
Senator Mike Enzi  
Representative Barbara Cubin  
Wyoming Cabinet  
Jim Souby, Western Governor's Association  
George Frampton, Council on Environmental Quality  
USDA, Secretary Dan Glickman  
Lyle Lavery, Rocky Mt. Regional Forester  
Jack Blackwell, Intermountain Regional Forester  
Stan Sylva, USFS/State of Wyoming Liaison  
Wyoming County Commissioners  
Joe Evans, Wy. County Commissioners Association  
Wyoming Veterans Affairs Commission  
Governor's Council on Developmental Disabilities

July 6, 2000

Art Reese, Director  
Office of Federal Land Policy  
Herschler Building, 1W  
122 W. 25th Street  
Cheyenne, WY 82002

CAFT RECEIVED

JUL 17 2000

Dear Art:

Following are our comments on the Draft Environmental Impact Statement by the U.S. Forest Service on Forest Service Roadless Area Conservation. These comments regarding this proposal are specific to WDA's mission within state government which is to assist the citizens of Wyoming to live safe and healthy lives, promote and preserve our agricultural community, be responsible stewards of our natural resources, and achieve integrity in the market place. In that regard, these comments are meant to, in association with all other agency comments, assist in defining the State Position. These comments defer to and are subordinate to the State Position.

The DEIS reflects a plan affecting 27 percent of all national forest lands and impacts virtually all elements of our national society. The consequences are far-reaching and long-lasting. Yet, the American public has had insufficient time to review and evaluate the full environmental impacts of this proposal. A federal judge recently warned the Forest Service that its haste was jeopardizing the public review process and he advised them to slow down. There is no evidence that they heeded his direction, and this proposal remains on a unusually fast track. Other EIS processes for far less significant proposals are allowed far more time for a more thorough review of the proposal and a more thoughtful preparation of significant comments. Because the American people have not had adequate time to fully review, research, and evaluate the proposal and its effects and to prepare their comments, the process underlying this proposal is flawed.

During the brief time that we had to study this proposal, we identified the following concerns.

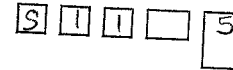
There does not appear to be any need for this proposal, for several reasons.

The needs identified in this proposal are being satisfied by other means. Those needs are to ensure dispersed recreation, sources of public drinking water, and large undisturbed landscapes for the American people. Other needs identified in the DEIS are to serve as bulwarks against the spread of invasive species and provide important habitat for rare plant and animal species, support the diversity of native species, and provide opportunities for monitoring and research. However, these needs are being met by designated wilderness areas, first created in 1964 and then the National Wilderness

These comments defer to and are subordinate to the State Position

Our mission is to assist the citizens of Wyoming to:  
■ live safe and healthy lives ■ promote and preserve our agricultural community ■ be responsible stewards  
of our natural resources ■ achieve integrity in the market place

Board Members  
Linda Taliaferro  
Green River  
Kelly Lockhart  
Jackson  
Kenneth Macy  
Pine Bluffs  
Alice Beasley  
Evansville  
John Hester  
Keeline  
Matt Brown  
Thermopolis  
Rod Smith  
Gillette



Roadless Area Conservation

Volume 4 - Letters from  
Agencies and Elected Officials

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Preservation System created by Congress in 1972. Today, 22 percent of all national forest lands are designated wilderness. Those FS wilderness lands coupled with this roadless proposal would mean that nearly 50 percent of national forest lands would be removed from multiple use and would not be available for any activity requiring roads.

Secondly, the additional increase in roads identified in this proposal is insignificant compared to the total miles of roads in the FS system. The DEIS states the FS is responsible for 386,000 miles of roads and that over five years, 1,444 miles of roads would be constructed or reconstructed in inventoried roadless areas. This is an average of under 289 miles per year. Thus, new construction represents under 4/10ths of 1% of the total FS road miles. When these miles are further divided into their separate national forests, the few additional miles of road construction or reconstruction should easily be considered at the National Forest level.

Finally, the decisions on which roads to construct/reconstruct and which areas to be roaded or unroaded are better reviewed and evaluated at the individual forest level, where the specific environmental conditions and peculiarities besetting that forest can be evaluated. The DEIS acknowledges that fact with the Tongass alternatives which recognize the importance of the five-year review of the April 1999 Tongass Land and Resource Management Plan. The DEIS also states in Prohibition Alternative 1 that road construction/reconstruction would be prohibited where land management plan prescriptions prohibit such action. Moreover, National Forest Management Act planning is based upon the premise that decision making for local areas should be made with site-specific, scientific information for that particular area. But this proposal is a one-size-fits-all, top-down management plan, that defies the NFMA planning concept.

In summary, the presence of millions of acres of congressionally designated wilderness areas, the insignificant additional road miles being proposed, and the availability of forest land & resource management plan processes seems to obviate the stated needs for this the proposal and DEIS.

#### Other concerns.

The proposal is based on outdated and non-scientific information. The Forest Service acknowledges that roadless areas were inventoried in the 1970s through their RARE II analyses or through subsequent regional and local forest planning activities. The facts are that the RARE II inventory was incomplete and inaccurate. This inventory often misidentified roaded and roadless areas, identifying roads that didn't exist, or not identifying roads that did exist. Moreover, this information is now badly outdated by subsequent activities during the last 25 years.

Since the RARE II analyses, U.S. Forest Service officials have made no similar organized inventory effort.

Within the last few months that the roadless initiative has been promoted, FS officials on the ground were scrambling with little money and few personnel to acquire as much information as possible on roads in their particular national forests. With severely limited resources, officials admitted they

These comments defer to and are subordinate to the State Position

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relied on reviews of maps, with little on-ground verification. As a result, road information is often wrong. As a test, we selected four roads at random in the nearest national forest and found that information on three of those four roads to be erroneous. Roads that were clearly identified on FS maps and road signs as FS roads, with assigned FS road numbers, were and had been impassable by 4-wheel drive vehicles. The survey confirms FS admissions that FS road inventories are often incomplete and erroneous, suffering from a lack of on-the-ground inventory.

In order for the public to be able to evaluate and comment on this roadless proposal, the public must be able to know the current situation. But current, complete, and correct information is unavailable. Stated needs for road maintenance, uses of roads, roads being used, how those roads are being used, etc. can be often based on outdated, incomplete, and inaccurate information. The FS has asked for public comment, but the public needs and deserves current, complete, and correct information in order for their comments to be meaningful.

Another concern: the purposes of the national forests are being misrepresented. National Forests are not National Parks. Of and by themselves, they are not intended to be designated wilderness areas. National Forests were created for different purposes. The forests were created to be used by and serve the American people. When President Theodore Roosevelt appointed Gifford Pichot as the first FS chief, his idea was for the proper multiple use of the National Forests, including sound logging practices, beneficial livestock grazing, and recreation. Pichot wrote in the 1907 issue of *The Use of the National Forests*, "The main thing is that the land, as well as what grows on it, must be used for the purpose for which it is most valuable." There has been no change in Roosevelt's and Pinchot's visions of the National Forests' original intent: multiple use. There has been no change in the congressional requirement for multiple use as written in the National Forest Management Act and the Multiple Use Sustained Yield Act.

Yet, the proposal will reduce the areas of our National Forests that can be used for multiple uses. The FS earlier acknowledged that reduced timber harvest and mineral exploration and extraction will be reduced by \$42 million annually, with a loss of 3,700 jobs and \$10 million in payments-to-states. Timber and mineral experts say these estimates are conservative. Alternatives 2-4 indicate a loss of 42 to 60 percent of the total annual timber harvest on national forest lands as a result of this proposal. A corresponding loss in jobs, payments to counties, and economic impact has to necessarily result. Those losses are devastating to industry and rural communities, which in turn reduces infrastructure to support other industries and their citizens.

The FS claims that these losses will be partially offset by Payments in Lieu of Taxes, but they don't identify or estimate the offset. However, PILT was never intended to offset losses from reduced timber harvest, mineral exploration, or other multiple uses. PILT was intended to repay counties for losses in taxes because lands in those counties were federally owned, not privately owned. Counties currently receive PILT payments, but those payments to counties have dwindled significantly during the last eight years as the FS has cut logging on National Forests. Reduced timber harvest and mineral exploration will further decrease, not increase, PILT payments. Moreover, FS officials are aware that Congress has not fully funded the PILT program for several years. The bottom line: rural

These comments defer to and are subordinate to the State Position

15891

counties who can least afford these \$52 million losses will suffer the worst from this FS proposal.

Livestock grazing will be adversely affected by this proposal in at least two ways. First, many roads that are being used to transport cattle and for maintenance, such as water tank and fence repairs, will no longer be available. Second, prime pasturelands and roads that are created as a result of timber harvest also will no longer exist. The end result: ranchers will have less capability and greater costs to produce food and fiber for the American people. The lack of time to available to research this proposal prohibited an exact determination of the full impacts. But the impacts will transcend economic effects. As costs increase and the lands upon which to graze livestock diminish, ranchers are being forced to sell their lands. These sales most often result in the loss of open spaces, the loss of wildlife habitat, and the loss of the very environmental values that this proposal is supposed to be preserving.

The American people lose in another respect. One of the most important uses of our national forests are to generate inexpensive and abundant timber and wood products, oil, gas, energy, coal, other minerals, and food and fiber for the American people. These objectives are minimized or not mentioned in the DEIS. Yet, their vital importance to the well being and quality of life of the American people remains. The socio-economic, environmental, and quality of life impacts of these losses caused by this proposal needs to be more thoroughly studied before any final decision is made.

The Federal Register Notice says the only negative effects from the proposed increases in decommissioning and roadless areas is the reduced timber harvest and mineral exploration and extractions. The facts are that there will be negative effects in many other areas.

FS officials have stated that recreation forest road use has grown 123 times its 1950s rate and driving for pleasure is the single largest recreational use (35.8% in 1996). In fact, the public's demand for roads in National Forests, as illustrated by these statistics, is the highest in our nation's history, and FS officials predict that demand will grow 64% in 45 years. Thus, at a time when the public is demanding a greater use of roads in National Forests, the FS is taking steps to ensure that that growing need will not be met. Worse, they will be funneling more and more people onto less and less space. The remaining roads and the lands they access will suffer the expanded demand.

The segment of our populations that is expected to grow the most is our elderly. As the baby boomer age into their 60s and 70s they will comprise the largest and wealthiest elderly population in our nation's history. With age comes disabilities. Thus, at a time when our forest should be providing roads so that our elderly, handicapped, and disabled citizens can enjoy the beauty and other resources of our forests, this proposal helps ensure that this need will not be met. Congress specifically enacted into law the American with Disabilities Act to ensure that federal facilities and services would be available to those with disabilities, whether from age, other natural phenomena, or accidents. There are those in Congress and their constituents who have noted that the proposal does not support the intent of the American with Disabilities Act and inhibits the abilities of the elderly, and disabled to enjoy our national forests at the very time when the need for these forests to be available is the greatest. This same need applies to families with young children. Wilderness areas

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serve those who are hale and hearty. National forests serve an entirely different purpose, as noted earlier. This proposal now makes it difficult if not impossible for these people with special needs to enjoy 27 percent of our forest lands. With the inclusion of the 22 percent of FS lands that are designated wilderness, nearly 50 percent of all FS lands can not be easily enjoyed by these people with special interests. That purpose is not included in the NFMA

It's important to note that the proposal is not the result of a change in law. It's not the result of a change in congressional intent. It's not a change reacting to a sudden crisis in our environment. In fact, no crisis has been documented. The FS repeatedly states that their proposed revision reflects changes in public opinion, demand, and use of National Forest resources. However, there is no corroborating evidence or proof stated of changes in public opinion. But the statistics stated by the FS, as cited above, about driving for pleasure and the growth in recreational forest road use are scientific proof of the public's demand for more roads, not less.

However, a crisis exists – a crisis of forest health that calls for more roads, not less. FS officials say there is evidence of an overwhelming crisis to forest health of fallen timber, diseased wood, and lack of thinning. FS officials rightfully complain about stands of timber under attack from insects and disease. They acknowledge the danger of wild fire that can feed on the fuel of diseased and fallen trees that have not been cleared. The recent Los Alamos destruction of civilian homes and thousands of acres of forest stands as damning evidence of the fuel load of uncleared timber that fed the catastrophic fire. Forest health demands active logging management and the continued clearing of aging, fallen, and diseased trees, and the roads necessary to support those activities.

Current uses of the National Forests can be altered as a result of this proposed rule. With significant increases in roadless areas comes changes in the emphasized uses of those areas and the future use of those areas. Timbering, mineral exploration, livestock grazing, recreational opportunities, and other uses will be altered accordingly. But these decisions should be made, in accordance to law, on a forest-by-forest basis, through the planning process for each forest. The management of each forest should meet the demands, circumstances, needs, habitat, and uses that are peculiar to each forest. The needs for travel, recreation, and other multiple uses differ dramatically from forest to forest across our nation. The road policies of each forest should reflect the peculiarities of each forest. Under this top-down, one-size-fits-all proposal, all forest plans will be subordinate to this overriding policy. Individual forest plans will have to first reflect the overriding road management rule before they can reflect the overriding needs of the particular forest. Ecosystems, species, habitat, and uses vary dramatically among national forests across our nation. Those individual needs should not be suppressed by federal top-down management roadless policies. Nor should the years of research and experience common to that national forest be ignored or subjugated to irrelevance. But that is what is proposed. According to the proposal rule, forest plans will be rewritten, as needed, to ensure they reflect the new road management policy.

Many of our constituents have expressed fears that the proposal will lead to defacto wilderness. The creation of large expanses of roadless areas, as proposed, in fact creates defacto wilderness areas. However, according to law, wilderness areas fall under the purview of Congress, not the


These comments defer to and are subordinate to the State Position

administration. We also understand the Wyoming wilderness Act currently prohibits creation of additional wilderness areas, defacto or otherwise. Thus, this proposal appears to be in violation of that act.

We are also concerned about the allegations by Congress and others of violations of the Federal Advisory Committee Act and the Administrative Procedures Act that occurred during the formation of this proposal. Congressional committees have studied the funding by non-profit charitable organizations of environmental groups, whose efforts influenced this administrative proposal. As an example, Pew trusts gave \$3.5 million to the National Audubon Society for the Heritage Forest Campaign to influence the FS roadless proposal. Other interests and the general public were not offered the same opportunity to be involved in the forming of this proposal. This appears to be a violation of FACA and APA.

We appreciate the opportunity to comment.

Sincerely,

  
Ron Micheli  
Director

These comments defer to and are subordinate to the State Position

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S I I [ ] 5



## Wyoming State Forestry Division

1100 W. 22<sup>ND</sup> STREET  
CHEYENNE, WY 82002

PHONE: (307) 777-7586  
FAX: (307) 637-8726

Art Reese, Director  
Office of Federal Land Policy  
Herschler Building, 1 W  
122 W. 25<sup>th</sup> Street  
Cheyenne WY. 82002

June 26, 2000

CAFT RECEIVED  
JUL 17 2000

SUBJECT: Roadless Area Conservation  
STATE IDENTIFIER NO: 99-139

The proposed action removes the ability for local forest officials to apply the site specific alternatives which most closely fits the needs of that particular forest. Imposing a national "one-size-fits-all" solution is inappropriate. Some revised forest plans have already addressed roadless areas which this proposal will undermine or contradict. This proposal will negate the extensive work and NEPA processes previously completed during plan revisions.

The Forest Service has not presented a reasonable range of options or alternatives in the DEIS. This DEIS does not objectively analyze the impacts of the Roadless Area Conservation proposal on local forest conditions, communities, or economies.

The cumulative impacts of the roadless proposal in conjunction with other major national initiatives i.e: forest planning regulations, the transportation rules, and strategic plan are not adequately evaluated. These additional initiatives all have an bearing on management of forest lands including roadless. All roadless issues should be addressed in a single EIS rather than in a series of disconnected actions as is currently being done. The ability to judge the effects of the proposed actions is seriously muted by the inability to examine all of the effects at one setting.

The roadless proposal bypasses Congress by creating "de facto wilderness" by prohibiting road building and reconstruction. There are specific laws that allow multiple use of public lands unless specifically designated as wilderness by Congressional action. All areas included in this proposal were determined to not be wilderness quality and were specifically excluded from wilderness designation. The 1984 Wyoming Wilderness Act specifically stated that these lands were released to multiple use and their status should be reviewed during the next forest plan revision.

The economic impacts of the proposal have not been adequately addressed. The authors assumed that both mining and logging are on the decline; therefore, economic impacts to rural communities will not be significant. This is not true in Wyoming. Recent closures of two sawmills that have existed since the turn of the century in Wyoming communities which are heavily dependant on lumber businesses has had a significant economic ripple effect.

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The continued strong US economy, American trends of increased size of the average house, and higher per capita consumption of non lumber wood products has resulted in higher prices for forest products. In light of already low levels of harvest from federal forest lands this demand has shifted harvesting operations to private lands and to other countries. Forest product harvest from other countries and some non-federal forested lands often lack the management standard applied on public lands. This impact should be evaluated and addressed in the FEIS.

The inability to access areas in a timely manner for insect, disease, or fire suppression will result in large disturbances that may not be able to be contained within the roadless areas. The resulting damage to non-federal property will create liability issue for the federal government and is unacceptable.

Roadless area management means increased fuel loading problems. High fuel loads already plague many of the forested areas proposed for roadless and will only get worse with time without treatment. Many of these roadless areas are found at lower elevations, which are warmer, drier, and more prone to wildfire. Large catastrophic fires will result along with the attendant water quality problems, similar to those that occurred in Yellowstone in 1988. The resulting water quality issues from the Yellowstone fires continue to affect use and quality of the surrounding National Forest lands today.

While restricted access reduces the chance of human cause fire starts the probability of fire reaching unmanageable size before intervention is also much greater. These fires also have greater increased control costs. The ability to use prescribed fire is more difficult in roadless areas and the associated costs are also greater. Roads are used both for access and as control lines.

These are major concerns for western forests which should be considered in the Roadless Area Conservation Plan FEIS.

Sincerely,

Thomas W. Ostermann,  
State Forester



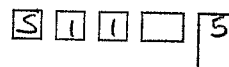
# State Engineer's Office

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seoleg@state.wy.us

15889

JIM GERINGER  
GOVERNOR

RICHARD G. STOCKDALE  
ACTING STATE ENGINEER



June 23, 2000

**NOT RECEIVED**

Office of Federal Land Policy  
Herschler Building, 1W  
Cheyenne, WY 82002

**JUL 17 2000**

RE: Forest Service Roadless Area Conservation (Draft EIS). (State ID No. 99-139)

Dear Sir:

We still have the same concerns and comments that we outlined in our letter of November 30, 1999 (attached). The maps provided in the document lack sufficient detail to be of help determining what specific roads and areas are affected. They acknowledge access problems for non-recreation special uses and say economic effects will be minimal but go on to say that access will most likely be at higher cost than if road construction were allowed to occur. If they have addressed our concerns about modification to the hydrologic system we have not yet found out where due to the limited time we have had to review the document.

Please contact me at (307) 777-6153 if further information or comment is needed.

Sincerely,

*David S. Benner*

DAVID S. BENNER  
Safety of Dams Engineer

DSB/db

Surface Water

Ground Water

Board of Control;

Roadless Area Conservation

Volume 4 - Letters from  
Agencies and Elected Officials



## State Engineer's Office

Herschler Building, 4-E Cheyenne, Wyoming 82002  
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 seoleg@missc.state.wy.us

November 30, 1999

Office of Federal Land Policy  
 Herschler Building, 1W  
 Cheyenne, Wyoming 82002

Re: State Identifier No: 99-139  
 Forest Service Roadless Area EIS

Dear Sir:

After reviewing the information from the Federal Register, this agency would offer the following comments and observations. We would like to request that a map of the proposed area be provided.

- 1) There is a network of "Snowtel" facilities operated by NRCS that monitor and track the snow levels and the associated moisture content which are used to develop runoff forecasts each spring. These facilities are often operated jointly by cooperating state and local entities together with the federal government. The Snowtel information is relied upon by a wide variety of government and private enterprises to estimate the amount of runoff water available for the upcoming irrigation season, and other important uses. We are concerned that the roadless area proposal may impact operation, maintenance, and installation of the Snowtel sites. These sites need to continue to be accessed for maintenance and ground proofing of the moisture content computations. Since winter access is often by snowmobile, will this proposal restrict access to these sites? Similarly, will the proposed roadless area protections be treated similar to a wilderness area, by restricting access by motorized vehicle to accomplish routine repairs and maintenance?
- 2) There are a number of water rights that have been issued that allow direct diversion, trans-basin diversion, or storage within National Forest lands in Wyoming. If these facilities fall within a roadless area, the State Engineer's office staff and the owner must be allowed access to the facility for

Surface Water

Ground Water

Board of Control

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JIM GERINGER  
 GOVERNOR

GORDON W. FASSETT  
 STATE ENGINEER

November 30, 1999  
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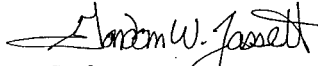
regulation, operation, and maintenance. Will this proposal restrict the types of equipment that can be used for the operation and maintenance of these ditches, diversions, or storage facilities? Access to these water facilities should not be changed or effected in any way, as a result of this proposal.

- 3) Any EIS of a proposed designation of a roadless area must evaluate the potential change in land management conditions which may cause modification of the hydrologic system. Can we expect the same amount of runoff from the forest lands as has historically occurred?

As Wyoming may have significant acreage and facilities where these new rules would apply, another opportunity for public comment should be pursued by the Forest Service when more detailed information is available. This office will be available for further review and comments as necessary.

Please contact me at (307)777-6150 if further information or comment is needed.

With best regards,

  
 Gordon W. Fassett  
 State Engineer

GWF/cic



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Charles M. Love John E. Trummel

STATE GEOLOGIST - Lance Cook

Table with 6 columns: SECTION HEADS, COAL, GEOLOGIC HAZARDS, GEOLOGIC MAPPING, INDUSTRIAL MINERALS AND URANIUM, METALS AND PRECIOUS STONES, OIL AND GAS, PUBLICATIONS. Lists names under each column.

Form with boxes containing numbers 3, 1, 2, 5

June 17, 2000

MEMORANDUM

TO: Art Reese, Director, Office of Federal Land Policy

FROM: Lance Cook, P.G., State Geologist

SUBJECT: Roadless Area Conservation DEIS
(State Identifier #99-139)

CAFT RECEIVED
JUN 17 2000

These comments regarding the Roadless Area Conservation DEIS are specific to this agency's statutory mission within State government, which is to promote the beneficial and environmentally sound use the State's resources while helping to protect the public from geologic hazards. In that regard these comments are meant to assist in defining the State position, in association with all other agency comments. These comments defer to and are subordinate to the State position

Consideration of our previous comments regarding this proposed action is not evident or apparent in the DEIS. Consequently, our concerns have not been adequately addressed in the DEIS. This proposed action has not been subjected to the same exhaustive review and analysis that much smaller decisions are subjected to, which sometimes require 3 years or more to complete. In our previous comments, we pointed out that in our professional and statutory judgement as earth scientists and natural resource experts, we believe it is imperative that the following issues must be analyzed and sufficiently addressed:

- A comprehensive mineral resource inventory of all areas considered for closure, including industrial and hard minerals, as well as oil and gas resources and coal resources.
-A detailed socio-economic impact for all nearby communities detailing the effects of the loss of beneficial economic development from the affected lands.
-A detailed analysis of the paleontological resources that are present in the areas proposed for closure.
-A detailed analysis of geologic hazard mitigation opportunities that will be lost as a result of this proposed action.

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-A rigorous economic analysis of the net value of economic development of mineral resources versus the net economic value of closure for State revenue purposes.

-A thorough review and analysis of the impacts (positive and negative) on watersheds and aquifers resulting from the proposed action.

-A thorough analysis of the impact on recreation in forest lands as a result of lost access opportunities for the majority of Americans and the resulting concentration of use forced upon presently accessible lands.

It appears that the geological analysis associated with this action, which will have an, as yet to be analyzed economic effect on the State of Wyoming, is both superficial and inadequate. Due to the extremely large area of coverage (continental scale) of this document, it must cover areas of tremendous diversity and differences. To lump natural resource issues in Wyoming with the same issues in Arizona or Alabama necessarily results in a diluted and superficial analysis, which by its very nature is less accurate and detailed. As a result, we cannot have a sufficient understanding of specific issues for any area.

Banning development activities in all roadless areas greater than 1,000 acres will have a yet to be determined impact on the citizens of Wyoming, the businesses that operate in our state and the recreational opportunities that we enjoy. We are unable to offer specific comments on the technical aspects of this document because technical analysis is absent. Additionally, the maps supplied with this document are insufficient to allow us to comment on specific locations. The maps are also misleading in that the indicated roadless areas include only new roadless areas and do not indicate areas already classified as roadless, such as wilderness areas. On p. S-2, wilderness areas look like areas of the forest not considered roadless, which we also consider misleading.

For Locatable Minerals, the document acknowledges that claims are allowed under these rules and access must be provided under the 1872 Mining law. However, the USFS administers this under 36 CFR 228(A), which results in development that can be severely restricted in roadless areas due to the increased environmental restrictions and costs imposed under this regulation. It is predictable that exploration and new claim location will be more costly and difficult due to access restrictions. Claim validity is determined on the basis of economic viability, and therefore can be denied under the premise that claim location in a roadless area and associated mitigation costs would be cost-prohibitive. Additionally, we note on P.144 - 147, claims for leaseable and salable minerals can be denied in roadless areas by administrative action. This includes most industrial minerals (dimensional and decorative stone included) and basic materials like aggregate.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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There are additional hazards-related discussions and updates needed in the document. The landslide risk map on page 3-37 of the Draft EIS is extremely outdated and inaccurate. Since 1982, the WSGS has mapped most landslides in Wyoming, and provided the results to National Forest Service Offices in the State. That initiative is not reflected on figure 3-15 (page 3-37). In addition, many of the mapped landslides in Wyoming have dammed or nearly dammed streams or rivers. There is a real potential for streams or rivers to be dammed in the future, creating a significant risk to public health and safety. In areas with significant seismic hazards, the risk is amplified. Road access should be provided and maintained to the high hazard areas to facilitate a timely response when needed. It is too late to consider road construction into an area after a 100-300 foot landslide dam has formed, and as a result, the downstream population is placed at risk. This is tied to Section 294.12 of the proposed rule (page A-27), which states that a road may be constructed or reconstructed if "A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event". These hazards are rarely recognized before catastrophic situations arise. Again, it would be nearly impossible to build a road into a newly formed landslide dam in a timely manner after the fact.

If there are questions on our comments, please direct them to the appropriate geologist on my staff or to me. Dan Hausel and Ray Harris can address mineral related comments, Jim Case handles geologic hazards and hydrology, Bob Lyman handles coal, Alan Ver Ploeg handles paleontological issues and Rod De Bruin handles oil and gas.



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**STATE GEOLOGIST - Lance Cook**

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 John K. Yrument

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SECTION HEADS:	GEOLOGIC HAZARDS	GEOLOGIC MAPPING	INDUSTRIAL MINERALS AND URANIUM	MINERALS AND PRECIOUS STONES	OIL AND GAS	PUBLICATIONS
COAL Robert M. Lyman	James C. Case	Alan J. Ver Ploeg	Ray E. Harris	W. Dan Hausel	Rodney H. De Bruin	Richard W. Jones

June 17, 2000

**MEMORANDUM**

**TO:** Art Reese, Director, Office of Federal Land Policy

**FROM:** Lance Cook, P.G., State Geologist

**SUBJECT:** Roadless Area Conservation Fed. Register Proposed Rules  
 (State Identifier #99-139)

These comments regarding the Roadless Area Conservation proposed rules are specific to this agency's statutory mission within State government, which is to promote the beneficial and environmentally sound use of the State's resources while helping to protect the public from geologic hazards. In that regard these comments are meant to assist in defining the State position, in association with all other agency comments. These comments defer to and are subordinate to the State position.

Our review of the associated EIS leads us to the conclusion that the underlying analysis upon which these proposed rules are based is insufficient. The minerals and hazards analyses are too superficial for specific commentary.

We believe it is imperative that the following issues must be addressed in the underlying EIS:

- A comprehensive mineral resource inventory of all areas considered for closure, including industrial and hard minerals, as well as oil and gas resources and coal resources.
- A detailed socio-economic impact for all nearby communities detailing the effects of the loss of beneficial economic development from the affected lands.
- A detailed analysis of the paleontological resources that are present in the areas proposed for closure.
- A detailed analysis of geologic hazard mitigation opportunities that will be lost as a result of this proposed action.

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-A rigorous economic analysis of the net value of economic development of mineral resources versus the net economic value of closure for State revenue purposes.

-A thorough review and analysis of the impacts (positive and negative) on watersheds and aquifers resulting from the proposed action.

-A thorough analysis of the impact on recreation in forest lands as a result of lost access opportunities for the majority of Americans and the resulting concentration of use forced upon presently accessible lands.

Proposed rules based upon an inadequate EIS that does not include these components would have to be considered poorly conceived, and might be illegal.

The rules must be considered in light of the Regulatory Flexibility Act (5 USC 601 et seq. Under this law which guides broad planning principles and management of the Forest Service road system, this proposed rule must be shown to have no direct or indirect financial or other impact on small businesses. The Forest Service is required to certify that this action will not have a significant economic impact on a substantial number of small entities as defined by the Act. We would hasten to point out that these rules will negatively impact access to the Forest System, on a continental basis. In particular, our State depends upon recreation as well as resource extraction on Forest System lands, and we are a state of small businesses. Our economy in the Forest areas is composed of service-oriented businesses that lodge and equip forest users, as well as small businesses that depend on the payrolls provided by the extractive industries. We question whether this broad policy, which is designed to restrict access to the Forest Lands by recreational and industrial users, can be said to have no significant impact on many of the small businesses in our State.

Under the Federalism section in Executive Order 12612, the Forest Service must show that the proposed rule "will not have substantial direct effects on the States...". This appears to us to be impossible, since this proposed rule will be used to restrict access to the Forest Lands upon which part of Wyoming's economy depends. We believe that the Forest Service has drastically understated the impacts on Wyoming and our natural resource-based economy and that a further assessment of federalism implications is necessary before adoption of such broad rules on a national scale.

We are concerned that the geological analysis underlying these rules, which will have a profound effect on the State of Wyoming, is inadequate. Due to the extremely large area of coverage (continental scale) of this document, it must cover areas of tremendous diversity and differences. To lump natural resource issues in Wyoming with the same issues in

28907

Arizona or Alabama necessarily results in a superficial analysis, which cannot be accurate and detailed. As a result, we cannot have a sufficient understanding of specific issues for any area.

There are additional hazards-related discussions and updates needed in the document. Many of the mapped landslides in Wyoming have dammed or nearly dammed streams or rivers. There is a real potential for streams or rivers to be dammed in the future, creating a significant risk to public health and safety. In areas with significant seismic hazards, the risk is amplified. Road access should be provided and maintained to the high hazard areas to facilitate a timely response when needed. It is too late to consider road construction into an area after a 100-300 foot landslide dam has formed, and as a result, the downstream population is placed at risk. This is tied to Section 294.12 of the proposed rule (page A-27), which states that a road may be constructed or reconstructed if "A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event". These hazards are rarely recognized before catastrophic situations arise. Again, it would be nearly impossible to build a road into a newly formed landslide dam in a timely manner to mitigate a landslide after the fact. This proposed rule puts the public at increased risk.

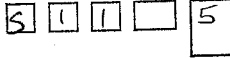
If there are questions on our comments, please direct them to the appropriate geologist on my staff or to me. Dan Hausel and Ray Harris can address mineral related comments, Jim Case handles geologic hazards and hydrology, Bob Lyman handles coal, Alan Ver Ploeg handles paleontological issues and Rod De Bruin handles oil and gas.

# WYOMING

DEPARTMENT OF STATE PARKS & CULTURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE

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Cheyenne, WY 82002

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CAFT RECEIVED

JUL 17 2000

June 22, 2000

Art Reese, Director  
Office of Federal Land Policy  
Herschler Building, 1W  
122 W. 25th Street  
Cheyenne, WY 82002

RE: Roadless Area Conservation Draft Environmental Impact Statement (State Identifier Number: 99-139); SHPO #1199RLC021

Dear Mr. Reese:

*These comments regarding the aforementioned project have been approved by the Director of the Department of State Parks and Cultural Resources and are specific to this agency's statutory mission within State Government, which is the protection of the State of Wyoming's cultural heritage. In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.*

#### Prohibition Alternatives

The preferred prohibition alternative, Alternative 2, would generally serve to protect cultural resources. However, as pointed out in the DEIS, implementation of this alternative may result in a loss of access to historic properties. This loss of access could result in deterioration of these properties. In accordance with the National Historic Preservation Act (NHPA) regulations, 36 CFR Part 800.5(a)(2)(vi), the inability to access these properties for proper maintenance could result in an adverse effect to significant cultural resources. As also stated in the DEIS, public interpretation of these resources could be hindered. Access to these resources, particularly for the disabled public, could become problematic.

Additionally, it is known that many non-system roads within lands managed by the U.S.D.I. Forest Service (USFS) are historic properties in and of themselves. Allowing these historic roads to deteriorate and/or reclamation of historic roads may also constitute an adverse effect.

Jim Geringer, Governor



John T. Keck, Director

Mr. Art Reese  
June 22, 2000  
Page 2

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The DEIS further states that under the no action alternative, Alternative A, that additional sites may be located and evaluated as part of project related activities. We agree. However, we wish to remind the USFS that it has further responsibilities to locate and evaluate cultural resources under Section 110 of the National Historic Preservation Act. We encourage the USFS to provide sufficient funding to its field archaeologists to comply with Section 110 of the NHPA so that the location, recordation, evaluation, preservation, and interpretation of these resources is not dependant upon project driven funding.

#### Procedural Alternatives

Regardless of which alternative the USFS chooses implement, the USFS must comply with the National Historic Preservation Act. Due to past insufficient funding for compliance with Section 110 of the NHPA, and minimal project driven activities within the areas proposed, very little specific information concerning the cultural resources within these areas exists. Therefore, to be in compliance with Section 106 of the NHPA, the USFS must, prior to implementation of any undertaking under the roadless initiative, identify historic properties which may be potentially affected, assess effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. Provisions must also be made to allow for meaningful consultation with interested parties and Native Americans.

Please refer to SHPO project control number #1199RLC021 on any future correspondence dealing with this project. If you have any questions, contact Judy Wolf at 307-777-6311.

Sincerely,

*Wendy E. Bredehoff*  
Wendy Bredehoff  
State Historic Preservation Officer

These comments are reflective of a specific agency mission only.  
These comments defer to and are subordinate to the Official State Position.

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WYOMING  
GAME AND FISH DEPARTMENT

Jim Geringer, Governor John Baughman, Quasar



"Conserving Wildlife — Serving People"

COPIES RECEIVED

JUL 17 2000

June 23, 2000

WER 9567  
Forest Service  
Draft Environmental Impact Statement  
Forest Service Roadless Area Conservation  
State Identifier Number: 99-139

S U I [ ] S

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Art Reese  
June 23, 2000  
Page 2 — WER 9567

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RECEIVED

Art Reese, Director  
Office of Federal Land Policy  
Herschler Building, 1W  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002

Dear Mr. Reese:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement for the Forest Service Roadless Area Conservation. We offer the following comments.

We previously submitted scoping comments for this process in a letter dated December 6, 1999. Those comments have been generally addressed in the DEIS.

The Department has consistently expressed concerns regarding direct, indirect, and cumulative effects of timber sales and road networks on wildlife populations and habitats, biodiversity, and wildlife-related recreation. Our concerns regularly center on habitat fragmentation, movement corridors between habitats, retention of interior forest, retention of late successional forest, and loss of hiding, thermal, and security cover. The DEIS appears to adequately recognize these road-related impacts.

The huge increase in popularity of off-road vehicles and their improved mechanical ability to reach more remote wildlife habitats have greatly exacerbated the negative effects of vehicles on wildlife. Management of existing roadless areas should include disclosure of the benefits of limiting the number of areas that would not be available to these vehicles.

The analyses and literature review in the DEIS found that continuation of the existing policy (Alternative 1, no action) detrimentally affects pine martens (p. 3-56,3-70), mountain lions (p. 3-70), black bears (p. 1-1, 3-70, 3-72), mule deer (p. 3-72), pronghorn (p. 3-73), moose (p. 1-1), bighorn sheep (p. 1-1, 3-70, 3-73), elk (p. 1-1, 3-70, 3-72), bald eagles, golden eagles and sandhill cranes (p. 3-71), neotropical migrant birds (p. 3-70), cavity dependent birds and mammals (p. 3-73), reptiles (p. 3-73), and small mammals (p. 3-73), to name a few. Reduction

in habitat quality for these species not only means loss of species diversity, but also negatively affects the state economy. According to the most recent *National Survey of Fishing, Hunting, and Wildlife Associated Recreation* survey (U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of Economic Analysis, 1996), the total value of hunting, fishing, and nonconsumptive wildlife recreation has an economic benefit of over \$785 million per year to Wyoming (conservative estimate). Because of their disproportionate public use, national forest lands provide much of this benefit to the state. In Wyoming, roadless areas provide unique hunting, fishing, and wildlife viewing opportunities which hunters, anglers, and nonconsumptive recreationists are increasingly seeking.

In the Draft EIS (page 3-69), the Forest Service states, "These (roadless) lands provide large, relatively undisturbed blocks of important habitat for terrestrial animal species and communities. In addition to supplying or influencing habitat for close to 300 threatened, endangered, proposed, and sensitive terrestrial species, these areas support numerous other game and nongame vertebrate and invertebrate species". Roadless areas in Wyoming definitely provide habitat for some of the "at risk" species while providing some of the best habitats for other game and nongame species. Maintaining high quality wildlife habitat results in healthy, robust wildlife populations. Under the existing policy, negative effects to wildlife including habitat loss, isolation of small populations, lack of genetic mixing, competition from non-natives, physiological, social, and behavioral stress, reduced productivity, and poaching as documented in the DEIS would continue and increase. With the current and expected future emphasis on biodiversity issues, including federal listing actions, the effects of habitat changes directly or indirectly attributed to roads on Forest Service lands will need to continue to be emphasized.

Thank you for the opportunity to comment.

Sincerely,

JOHN BAUGHMAN  
DIRECTOR

JB:TC:as

PK1 10:54 FAX 307 777 4877

WGFH HABITAT PROTECTION --- FLPD

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WYOMING GAME AND FISH DEPARTMENT

Jim Geringer, Governor John Baughman, Governor



"Conserving Wildlife—Serving People"

June 23, 2000

WER 9567.01 Forest Service Federal Register - Proposed Rule Roadless Area Conservation State Identifier Number: 99-139

Art Reese, Director Office of Federal Land Policy Herschler Building, 1W 122 W. 25th Street Cheyenne, WY 82002

Dear Mr. Reese:

The staff of the Wyoming Game and Fish Department has reviewed the Federal Register Notice, proposed rule for Roadless Area Conservation. We offer the following comments.

Future direction under the proposed rule would emphasize better management of needed roads and removal of unnecessary roads. Improving the condition of roads required to meet the needs of the forest transportation system, as well as decommissioning unnecessary roads, are both positive outcomes, assuming there are adequate considerations of local needs and issues. In general, the prohibition of new road construction and reconstruction in current roadless areas would benefit wildlife species. The proposed rule appears to allow adequate flexibility in local (forest-level) management plans to accomplish the goals of multiple use through forest planning, as defined in the National Forest Management Act and emphasizes local input in determining that management. This continues to allow for state natural resource agencies to jointly manage resources with the Forest Service.

Thank you for the opportunity to comment.

Sincerely,

Signature of John Baughman JOHN BAUGHMAN DIRECTOR

JB:TC:as



THE STATE OF WYOMING

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Jim Geringer, Governor Sleeter Dover, Esq., Director

Department of Transportation

5300 BISHOP BOULEVARD CHEYENNE, WYOMING 82009-3340

July 11, 2000

Mr. Art Reese, Director Office of Federal Land Policy Herschler Building, 1W Cheyenne, WY 82002-0600

CAFT RECEIVED JUL 17 2000

RE: Comments Regarding the Roadless Area Conservation DEIS by the U.S. Forest Service / 99-139

Dear Mr. Reese:

WYDOT is thankful for the opportunity to provide comments on this new national plan for the management of roads on Forest Service land. After review of the maps on pages 214 through 221 in Volume 2 of the DEIS, it became extremely evident that several US Highways and State Highways intersect the areas designated that will not permit road construction or reconstruction. A very rough summary was prepared to understand the potential effect on these highways. This summary is attached to this letter. This summary reflects the potential of 260 miles of roadway that is presently being managed by WYDOT could be affected from this proposal.

WYDOT attended the public meeting. Representatives from the Planning Branch of the Forest Service reassured DOT officials that this proposal would not interfere with WYDOT's management of these roadways. However, this was never clarified in the DEIS and as such potential impacts to the State's Highways are unknown.

Over the last couple of decades, WYDOT has experienced a growing difficulty of maintaining and reconstructing its roadway system through these areas. It appears that there has been a general change of Forest Service philosophy from conservation (a wise use of resources) to preservation (no use of resources). Trends of this nature are a concern of WYDOT.

Another area of concern is noted on page 3-172 in Volume 1 of the DEIS. It is located in the first sentence of the third paragraph. It states, "the road prohibition will limit roaded recreation access to inventoried roadless areas, which may cause increased congestion in existing roaded areas of the forest." It is a known fact that congestion leads to the cause of multiple car accidents. And in areas of extreme terrain, congestion becomes more of a problem due to the increased distribution of operating speeds of vehicles. Loaded 18 wheel trucks and motor homes have trouble negotiating the steep grades in areas of extreme terrain. This leads to congestion because, cars will become trapped

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behind these slower types of vehicles. Drivers of the faster cars will become frustrated and will attempt to pass the slower vehicles in limited areas of safe sight distance. Poor decisions will lead to head on collisions with vehicles in the opposing lanes. These types of collisions will normally result in fatalities. It is necessary that WYDOT is able to execute their mission without any further restrictions in these areas. WYDOT will need the latitude to expand the present roadways where needed. Expansion will be needed to reduce congestion. An example of expansion may include the addition of truck climbing lanes in areas of steep grades. Passing lanes is another example that may be implemented in areas of restricted sight distance. People's quality of life will be reduced if WYDOT is restricted in the execution of their mission.

Wildlife populations should increase from this proposal and it is possible the human's populations will be more concentrated in linear locations along the established highways. It is possible then that there will be an increase in vehicle/animal collisions which is a human safety issue that was never addressed or analyzed in the DEIS.

WYDOT has no real concern regarding the Forest Service's management of its own roadway system as long as it did not impede upon the execution of WYDOT's mission and reduce the quality of the roadway system under the jurisdiction of WYDOT.

Respectfully submitted,  
Sleeter C. Dover, Esq.  
Director

*Timothy L. Stark*

By  
Timothy L. Stark, P.E.  
Environmental Services Engineer  
WYDOT



S  
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JIM GERINGER  
GOVERNOR

### Veterans' Affairs Commission

Wyoming Veterans' Affairs Office  
Wyoming Army National Guard Armory, Room 101  
5905 CY Avenue Casper, Wyoming 82604  
Tel. (307) 265-7372 Fax (307) 265-7392

29 June 2000

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JUL 10 2000

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(307) 382-5166

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

The Wyoming Veterans' Affairs Commission (Commission) thanks the U. S. Forest Service (FS) for giving it this opportunity to comment upon the proposed rulemaking that would impair veterans' beneficial use of public lands mischaracterized by FS as "Roadless Areas" consisting of over 54 million acres, or 28% of National Forest System lands. This shockingly large figure is that of the FS found on p. S-1 of the Summary in the Draft Environmental Impact Statement (EIS). 3.218 million acres are in Wyoming. That is 34.8% of the forested lands in the state, more than a third.

The Commission's position is to **OPPOSE COMPLETELY AND UNEQUIVOCALLY THIS PROPOSED RULEMAKING**. In all instances that the EIS proposes prohibitions and procedures, it strongly endorses the "NO ACTION; NO PROHIBITIONS" and the "NO ACTION; NO PROCEDURES" alternatives.

The Commission is a state agency created by act of the Wyoming Legislature approved in 1975. Among the duties and responsibilities placed upon the Commission by the Legislature were:

- (i) Study all federal and state legislation affecting veterans, their spouses, dependents and beneficiaries;
- (ii) Establish liaison with agencies dealing with veteran's affairs. . . ." (W. S. §19-14-107 [c])

The veteran population of Wyoming is approximately 50,000 which, when supplemented with spousal population, is tantamount to almost one-

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third of the adult population of the state. Since only a minority of veterans belongs to national veterans' organizations, the Commission is the recognized spokesman for all of Wyoming's veterans and spouses, speaking for almost 100,000 citizens of this state.

Veterans vigorously oppose this proposed rulemaking and the anti-public interest goals sought by it for many reasons, chief among which are:

## I.

WE OPPOSE ANY AND ALL RESTRICTIONS ON ACCESS TO PUBLIC LANDS BY AGING AND PHYSICALLY IMPAIRED VETERANS.

Veterans fought to protect and defend the United States, consisting of private and public lands, and many of their comrades-at-arms gave their lives for this great land we call America. Their service to our nation protected our public lands from being taken over by our nation's enemies. We are talking about the Nazis and Japanese Imperialists in WW II and the Soviet Union and its minions who wanted to expand communism worldwide but were curbed in Berlin, Korea and Vietnam, as well as other confrontations in Europe and elsewhere, during the Cold War. Had either the Germans, Japanese or communists been victorious over us, the disastrous consequences to our public lands -- ripping them up for our resources to fuel the economies of those gluttonous, insatiable regimes -- are too horrible to contemplate.

Veterans, therefore, cannot approve nor condone any efforts like the Administration is proposing that would directly or indirectly exclude aging and disabled veterans from full and unrestricted use and enjoyment of all public lands. FS's question and answer sheets handed out at recent FS public meetings are misleading in saying the proposed rule "should not" ban off road vehicles from roadless areas. Those of us who went through Rare II about 20 years ago heard that line from the FS before. Afterwards, lands included in this roadless proposal, which were supposed to be released, were locked up by logs or chains across existing roads. To borrow an old saying, "Fool me once, shame on you; fool me twice, shame on me."

Other FS statements make it clear no new roads would be opened to expand access into forested lands for more use and enjoyment. Automobiles, particularly four-wheeled vehicles, are the only means of access most disabled or aging veterans have. Use of roads, therefore, is essential.

## II

GOVERNMENT REGULATORY SCHEMES MUST NOT IMPAIR VETERANS EMPLOYMENT OPPORTUNITIES AND THEIR RIGHT TO CHOOSE THE PLACES THEY PREFER TO LIVE.

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Veterans, like everyone else, must work to support themselves and their families. Any government regulatory program that interferes with or shuts down established industries, businesses and other sources of veteran employment is contrary to the interests of working veterans. Moreover, government public land programs that shut down job-creating industries, force veterans and their families to move and deny them their preferred lifestyle is absolutely contrary to the interests of working veterans. Management of government public lands must be done in such a way as not to deprive veterans of their livelihood nor their choice of a place to live. Moreover, working veterans too have a right to enjoy use of the public lands for which they fought to protect and defend.

## III

ANY GOVERNMENT ACTION LIKE THIS PROPOSED ROADLESS PLAN, WHICH WOULD FORCEFULLY BREAK-UP VETERANS' FAMILIES, CANNOT BE TOLERATED.

Past government policies in this region of the United States have shut down job-creating industries and businesses making it impossible for the children of veterans' families to find employment locally. As a result, it has become impossible for veterans' families to live in the same locale because their children have been forced to scatter all over the country to find work. This proposed government roadless land scheme is another one that would enormously compound and multiply this problem, thereby reducing even further the cohesiveness of the families of our veterans.

Local taxes paid by veterans and other citizens have educated the children of these families, but now they must go elsewhere to get employment due to excessive governmental policies like this one being proposed by the Administration. While it is true that Americans are more mobile now than they were 50 years ago, choosing to move for career advancement or health reasons is understandable, but being forced to move due to government policies that stifle job opportunities is impermissibly invasive of personal liberties. This can no longer be tolerated in a free society and must be stopped now.

## SUMMARY

For all of the foregoing reasons, the veterans of Wyoming and their spouses strongly oppose this ill-conceived roadless land scheme and demand that it be immediately and completely abandoned. If any adjustment of existing usage of public lands is needed, it can be handled locally through procedures already available and with the participation of local veterans and

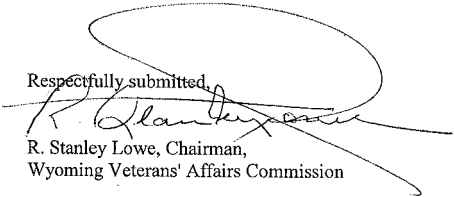
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other concerned citizens in the decision-making process. All roads, whether on public lands or otherwise, must be constructed and maintained to meet the traveling, working and recreational needs of those living in the area they serve. Roads in FS administered lands are no exception. The public -- veterans and everyone else -- has a public vested interest in the public lands that must not, indeed cannot, be impaired as is being proposed in this rulemaking -- not in America that still is free, thanks to our veterans.

We want the position of our veterans to be clearly understood and appreciated. All they ask is that the FS and others in government remember what they did to protect and maintain the ownership by the American public of these public lands. Their primary interest is to see these public lands are once again beneficially used by and for all Americans to help build the national economy under sensible environmental policies. A sound government policy of this sort will bring back good-paying job opportunities for veterans, let them live where they choose and keep their families from being forced to move elsewhere.

If you would like a further clarification or expansion of any of the points raised in this comment letter, feel free to request it, and we will be pleased to respond immediately.

Respectfully submitted,  
  
R. Stanley Lowe, Chairman,  
Wyoming Veterans' Affairs Commission

- c: Governor Jim Geringer
- Legislature Leadership
- Congressional Delegation
- State Veterans' Affairs Department Directors
- Veterans Service Organizations
- Commissioners

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**President's Roadless Initiative  
National Forest System**

**Comments by  
Pat Childers  
Wyoming State Representative**

**June 28, 2000**

**CAET RECEIVED  
JUL 05 2000**

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Gentlemen,

I appreciate the opportunity to comment on this important issue concerning the President's Roadless Initiative for the National Forest System. I am Pat Childers, Wyoming State Representative, and a resident of rural Park County, Wyoming. Copies of my comments as well as attached supporting information are submitted for the record.

As an individual who has, for several years, followed the NEPA process, both with the Bureau of Land Management and U.S. Forest Service, I have developed a knowledge of the process and strongly support the procedures with NEPA or the National Environmental Policy Act. NEPA, in my opinion, properly provides a "public process" to allow the federal agencies to make an "informed" decision about federal actions for the citizens of the United States.

I am, however, very disturbed about what appears to be the manner in which the Roadless Initiative has been handled at the highest levels of government, i.e., staff directly under President Clinton. My supporting information for this statement is a preliminary Staff Report of the Subcommittee on Forests and Forest Health of the House of Representatives Committee on Resources and is included with my comments. While this subcommittee of Congress has not completed their investigation, I believe that it is important that I comment on the report for the record in this NEPA process.

As noted in the report and I quote: (page 5, paragraph 4 - "... it appears that the White House, the Department of Agriculture, and the Forest Service violated various statutory standards in the development of their rule-making. In particular: 1. The Forest Service Violated the Federal Advisory Committee Act by Relying on Advice from an Unchartered Federal Advisory Committee. 2. The Forest Service Violated the Administrative Procedure Act Prohibition on Ex Parte Communications during the Development of its Roads Policy." end quote.

It is noted that, a few years ago, Secretary Babbitt formed a FACA, Federal Advisory Committee Act, committee (Green River Basin Advisory Committee) to address his concerns about possible violations of public process on gas development in Southwest Wyoming. It is ironic that Secretary Babbitt reports to an administration who appears to care less about proper public process. Incidentally, my concerns are not with the local Forest Service, who has been more than willing to work with State and local government as well as the local citizens.

13549

The Washington Office of the U.S. Forest Service has now released the Draft Environmental Impact Statement, EIS, for the Roadless issue as required by NEPA. The information in the Subcommittee's report indicates that the Forest Service had decided on the "Proposed Action" before scoping was even initiated on the EIS process. I believe that action is a violation of the CEQ, Council on Environmental Quality, guidelines for NEPA.

Many, many things about the process on this issue disturb me. But to summarize my concerns, I would remind the agency that NEPA has two compliance requirements. 1. Agencies must make informed decisions. 2. Agencies must make diligent efforts to involve the Public in their NEPA procedures. I believe that neither of those requirements has been met properly.

I, therefore, make a formal request that the agency stop this EIS process. The Roadless Initiative can be initiated again and evaluated properly by one of the following two methods to analyze any potential environmental impacts. 1. The U.S. Forest Service can start a "Roadless" evaluation through individual Forest Plan amendment EIS's. The agency is in the process of revising many of their Forest Plans in the United States utilizing the NEPA process. Individual State and local governments as well as local citizens would then be involved in the facts being gathered and better addresses the requirements of NEPA. 2. The U.S. Forest Service can establish a broad-based FACA Committee to address the violations of law noted under the current evaluation process. A FACA Committee could better address broad-based input into the process. I recommend the former method of individual Forest Plan amendments.

In either case, I believe that this formal request requires the Forest Service to reply in a timely manner. A Subcommittee of Congress has made serious allegations about the process developing the President's Roadless Initiative. Their investigation may take some time. As a representative of Wyoming citizens who will be impacted by the proposed decisions in the Roadless issue, I believe that NEPA procedural requirements dictate that the Forest Service can address my concerns. I urge the agency to quickly respond to my request so that the State of Wyoming can further address the issue through the proper channels. I will be forwarding these comments to Governor Geringer's office and communicating with the office on the issue.

Thank you,

Pat Childers  
Wyoming State Representative  
House District 50, Park County  
26 Equine Dr.  
Cody, Wyoming 82414  
307-587-5145

## Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7881  
<http://legisweb.state.wy.us>

SENATOR MIKE MASSIE  
Senate District 9  
Albany County  
1209 "W" Hill Road  
Laramie, Wyoming 82072

Committees:  
Education  
Labor, Health & Social Services



July 12, 2000

USDA Forest Service – CAET  
Attn: Roadless Area Conservation Proposed Rule  
PO Box 221090  
Salt Lake City, Utah 84122

To The Forest Service:

I write in support of the proposal to ban road building in the remaining roadless areas of our national forests. At least since the end of World War II, the management of our national forests has often been driven by the needs and wants of the extraction industries, particularly timbering, and at the expense of other important uses. As a result of this unbalanced policy, our populations of wildlife have diminished (some species to the point of extinction), some watersheds severely impaired and quality recreational experiences compromised.

With an increasing public demand that the management of our national forests be guided by consideration of their long-term biological health, a halt to further road building in roadless areas seems appropriate. It is time to assess what we have been doing to our forests for the past fifty years and determine what public benefits we want them to convey fifty years from now.

It is for this reason that the proposal to protect the remaining roadless areas should be the beginning of an important process and not a final decision about the disposition of these tracts. The Forest Service should follow-up this ban with an extensive study of each newly protected area to justify its roadless status. Until this analysis is performed, all logging, mining and other ground disturbing activities should not be permitted in them.

I am confident that such a study will document that most remaining roadless tracts outside of protected wilderness areas convey important public benefits, such as healthy and sustainable populations of wildlife, clean air, clean water, and certain forms of recreation. These studies should also produce a body of scientific information that will support maintaining certain areas as roadless, which is preferable to simply designating them as such based upon politics. Sections that do not convey significant benefits to society should not remain roadless.

I also hope that such a study will encourage the Forest Service to apply the same type of scientific scrutiny to the roaded areas that comprise a vast majority of our forests, both here in the nearby Medicine Bow National Forest and in other USFS administered lands around the



Senate

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JUL 17 2000



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country. Our forests are large enough to permit logging, grazing, oil and gas development, mining, motorized recreation and down-hill skiing, as well as quality hunting, camping, fishing, backpacking, and cross-country skiing. Our national forests are big enough for humans, cattle, sheep, and diverse species of plants and wildlife. The problem has been that traditionally, the management of our publicly owned forests has failed to balance these multiple demands, giving greater weight to extractive uses and thereby diminishing other resources and activities.

I understand that the Forest Service's and the Clinton Administration's roadless proposal is an attempt to restore some balance to the public use of the national forests. It is for this reason that I generally support it. However, I also perceive the proposal as another top-down decision that is guided more by politics than by a close scrutiny of each affected area. It is time to reduce the role of politics as the driving force behind Forest Service management. There should be no more "get-out-the-cut" initiatives or sweeping designations that affect entire areas of our forests nationwide. It should no longer be a matter of who occupies the White House or Congress but what management strategy will sustain the health of our forests for the long-term. It's time to invest our future in a more thoughtful approach.

A more considered, scientific strategy for managing our national forest lands will prove beneficial to most Western communities, where hunting, camping and outdoor recreation are just as historical and traditional as logging, grazing and mining. Healthy forests that sustain our wildlife will maintain a quality of life that we have come to expect as Westerners, and a truly balanced approach to the management of our National Forests may mitigate a boom and bust cycle that tears at the region's social fabric.

Sincerely,  
*Mike Massie*  
Mike Massie

### Wyoming State Legislature

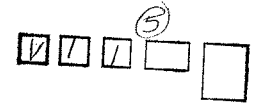
213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7881  
<http://legisweb.state.wy.us>

REPRESENTATIVE JIM ROSE  
House District 13  
Albany County  
911 Steele  
Laramie, Wyoming 82070

Committees:  
Education  
Transportation and Highways



House of Representatives



9 July 2000

USDA Forest Service- CAET  
Attn: Roadless Conservation Proposed Rule  
PO Box 221090  
Salt Lake City, UT 84122

PART RECEIVED  
JUL 12 2000

Dear USFS Chief Dombeck:

I am writing to express my strong support for the Roadless Area Initiative. I believe that this is a well-conceived policy proposal to protect a part of our country's remaining natural heritage. The cessation of further environmentally destructive activities such as logging and mining in these relatively few areas will have little or no lasting impact on my state's economy but will ensure the availability of these undisturbed scenic areas for generations to come.

I live in southeastern Wyoming, and of particular concern to me is the future of the Medicine Bow National Forest if the current practice of clear-cutting and off-road vehicle use is allowed to expand unchecked. Setting aside the 374,000 acres of current roadless area will have an overall positive effect on this region's ecology. Keeping this small area free of incompatible development and vehicle usage will ensure that those who value an experience in the outdoors free of the signs, sounds and smells of "human progress" will continue to be able to find such places.

I strongly urge you adopt this immediate and lasting protection for current and future generations. A few industries currently extracting resources from our natural forests may claim that this policy will induce an unfair and burdensome hardship. I believe however, that when all facts are considered, there will not be any lasting negative effect and in fact the long-term consequences will be overwhelmingly positive.

Thank you for your consideration.

Sincerely,  
*Jim Rose*  
Jim Rose

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

# Wyoming State Legislature

213 State Capitol / Cheyenne, Wyoming 82002 / Telephone 307 / 777-7391  
http://legisweb.state.wy.us

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House of Representatives

**REPRESENTATIVE N. JANE WOSTENBERG**  
 House District 27  
 Washakie County  
 1189 Cedar Lane  
 Worland, Wyoming 82401

**Committees:**  
 Minerals, Business and  
 Economic Development  
 Travel, Recreation, Wildlife and  
 Cultural Resources

June 26, 2000

United States Forest Service  
 c/o Roadless  
 P.O. Box 221090  
 Salt Lake City, Ut 84122

Re: Roadless Area Project

The Wyoming Supreme Court, as late as 1980 has upheld the 1866 law regarding the Right of Way Act of 1866, there is an express reservation of an easement for a public road if the road existed prior to the land being homesteaded.

The object of the grant was to enable citizens and residents of the states and territories where public lands belonging to the United States were situated to build and construct such highways across the public domain as the exigencies of their localities might require, without making themselves liable as trespassers. When the location of the roads was made by public use, the dedication took effect by relation as of the date of the act. The court also upheld that the terms "highway" and "public road are synonyms.

At that time of this act the only methods of transportation were wagon or pack trains, so the dedication could be accepted "by becoming definitely marked upon the ground by public user." Therefore the right of way may have been a wagon road, a pack train, or cart trail.

1895 Law Chapter 69, "Public Roads Defined. All roads within this state shall be public highways which have been or may be declared by law to be national, state, territorial or county roads. **ALL ROADS THAT HAVE BEEN DESIGNATED OR MARKED AS HIGHWAYS ON GOVERNMENT MAPS OR PLATS IN THE RECORD OF ANY LAND OFFICE OF THE UNITED STATES within this state, and which have been publicly used as traveled highways, and which have not been closed or vacated by order of the Board of County Commission wherein the same are located, ARE DECLARED TO BE PUBLIC HIGHWAYS until the same are closed or vacated by order of the Board of County Commissioners of the county where in the same are located.**"

"Sec. 2. All county roads shall be under the supervision, management and control of the Board of the County Commissioners of the county wherein such roads are located, and no county

road shall hereafter be established, altered or vacated in any county in this state, except by the authority of the Board of County Commissioners of the county wherein such road is located."

Wyoming law suggests to me that none of the alternatives are acceptable, as the United States Forest Service is overstepping it's authority in managing roads located in the Big Horn Mountains, in any manner. You are doing through a regulatory process what you can't get done legislatively.

The administration plan involves preparation of an environmental impact statement which contains different land management options, and to be a part of the public comment forum one must choose from one of the "preferred alternatives". It is not clear by the "Preferred alternatives" what specific activities would be permitted on the lands in question, but it is likely the administration will give the Forest Service's roadless areas significant protection as wild lands. The new "Wild Lands" designation has the same definition as the old "Primitive" designation, and we all know those lands are now wilderness. The connection to Roadless Areas is obvious!

In order to keep our forests healthy, they must be maintained by multiple use, logging, mining, grazing, and yes, even recreation of all types. If the people of the West are to maintain good morale they must stay "connected" to the land. Article VI of the U.S. Constitution, grants us this, Wyoming State Law grants us this, and if this administration and the Forest Service can not grant us this, then privatization of our forest lands should be looked at seriously.

Sincerely,

Representative Jane Wostenberg &  
 Stan Wostenberg  
 1189 Cedar Lane  
 Worland, Wyoming 82401

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# BIG HORN COUNTY

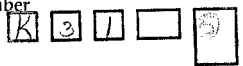
## OFFICE OF COUNTY COMMISSIONERS

43980

Donald M. Russell, Chairman 307-568-2357  
R. Ray Peterson, Member Fax 307-568-9375  
Keith M. Grant, Member

420 West C. Street  
P.O. Box 31  
Basin, WY 82410

July 17, 2000



USDA Forest Service-CAET  
Att'n: Roadless Areas Proposed Rule  
P.O. Box 221090  
Salt Lake City, UT 84122

Dear Forest Service:

The Commissioners of Big Horn County, Wyoming have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure the consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest

Service, as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft...". Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

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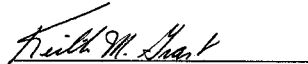
If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,  
BIG HORN COUNTY COMMISSIONERS

  
Donald M. Russell Chairman

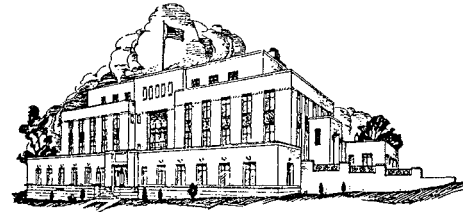
  
R. Ray Peterson, Member

  
Keith M. Grant, Member  
Big Horn County Commissioners

cc: Governor Jim Geringer, State of Wyoming  
US Senator Craig Thomas  
US Representative Barbara Cubin  
US Representative Michael B. Enzi  
Chief - USDA Forest Service

The Big Horn County Board of Commissioners attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.

Art Zeiger, *Chairman*  
Linda Fleming  
Lee Meacham



**Commissioners of Carbon County**  
Courthouse - 415 West Pine Street  
Rawlins, Wyoming 82301

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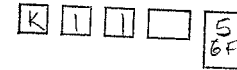
P.O. BOX 6  
RAWLINS, WY. 82301  
1-307-328-2670  
Fax 1-307-328-2669

CAET RECEIVED

JUN 17 2000

July 10, 2000

USDA Forest Service-CAET  
PO Box 221090  
Attn: Roadless Areas Proposed Rule  
Salt Lake City, UT 84122



Dear Forest Service:

The Commissioners of Carbon County have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis. Discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a

draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft IES is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Beginning with the publication of the Notice of Intent (NOI) for this proposal in the Federal Register in October of 1999, it has become clear that the process is on a "fast track." Continued requests for extensions of time to adequately respond to both the NOI and the Draft Environmental Impact Statement have been denied. Legitimate requests by state and local officials with obvious concurrent jurisdictions over many of the issues being evaluated to be granted "cooperating agency" status have also been denied. There has been an unwillingness on the part of the Forest Service to consider the vital role of state and local governments and to provide any real meaningful participation. The Council on Environmental Quality Regulations (Part 1502.2), governing the NEPA process, are very clear that agencies are to apply public involvement early in the process. Specifically agencies are directed to consult early with appropriate state and local agencies and Indian tribes and with interested private persons and organizations. This has not been accomplished with the Roadless Area Conservation rule making process.

Comments on Page 1-1,4<sup>th</sup> paragraph – what is the reference for these statements that infers roaded areas are destructive to wildlife populations? If this is truly the case, why does the Forest Service advocate introducing many of these species into roaded areas? For example, on the Bighorn N.F. bighorn sheep were introduced into a roaded area (along a federal highway), moose are introduced and flourish in areas where roads exist (North Park in Colorado), and grizzly bears are migrating into farm country fragmented by roads in Montana (Choteau). The statement that many species avoid roads if possible does not fit with what a visitor will experience driving through a national forest or national park. If this is the case, why are there record numbers of species in spite of roads, e.g., antelope, deer, elk, moose, etc.?

The Forest Service needs to add citations and clarify these assumptions. In addition, they need to address the questions presented.

Page 1-4, last paragraph – The last sentence states that "many mentioned the need for permanently protecting roadless areas." How many is many and how many are form letters sent out be special interest groups?

The Forest Service needs to provide the necessary data to support the statement.

Page 1-5, 4<sup>th</sup> paragraph – States that "...the Forest Service received over 360,000 responses..." On the previous page it states that "The agency received approximately 119,000 public comments..." That's a difference of 222,000 responses or comments.

The Forest Service needs to either fix the number or define the difference between "responses" and "comments."

Page 1-11, first bullet list – The second bullet states that certain issues are most appropriately resolved at the national level – what are they? The only one in recent times is that of wilderness and that was resolved by congress. What gives the agency the authority to determine what needs to be addressed at the national vs. local level?

The Forest Service needs to address where the authorities are for the action they are proposing.

Page 1-11, first bullet list – The fifth bullet discusses the availability of useful data being limited for resources other than roads and timber. This is simply not true. In fact, the Forest Service collects and maintains dozens, if not hundreds, of databases of information that are available on fire, fuels, recreation, motorized use, special uses, capital improvements, trails, wildlife, grazing, lands, insects and disease, noxious weeds, water, GIS, etc. A perception that could be inferred is that the Forest Service chose not to use this information in order to expedite the implementation of this proposal and use only the information that would support the argument that roads and timber harvest are detrimental to the National Forests.

The Forest Service must identify these other databases and apply the information in a complete and thorough analysis that quantitatively discloses all effects.

Page 2-4, paragraph 3 and Page 2-7, paragraph 3 – The description of the "No Action" Alternatives is inadequate and in error. Currently, for any activity proposed to enter or alter a roadless area, an Environmental Impact Statement is required. The intent is to analyze the impacts on changing the character of that roadless area. The discussion leaves the reader believing that units of the National Forest System can enter roadless areas with little analysis. This direction was established by the Chief – USDA Forest Service in the late 1990's.

The Forest Service must change these alternatives to reflect current and accurate direction.

Page 2-4 through 2-9 – There are inherent problems with the range of procedural alternatives presented. First, they do not represent a full range as required by CEQ Regulations (also addressed under NEPA Deficiencies). Many of the alternatives address procedures currently required by Forest Service direction and policy, e.g., Alternatives A, C and D. The only difference Alternative B provides is the statement that prohibits local decision makers from authorizing road construction and reconstruction.

The Forest Service must present a full range of alternatives that are distinctly different from each other. The alternatives must be able to display a meaningful disclosure of effects.

All references to Tongass National Forest Alternatives – The Tongass National Forest considerations in the document are distinct and different from those being considered for the remainder of the National Forest System. Adding discussions for the Tongass N.F. makes the document confusing and distracting. If the Tongass N.F. is truly different, it should be addressed and documented as a separate decision.

The Forest Service should consider addressing the roadless issue specific to the Tongass National Forest as a separate decision and not part of this rule making process.

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Page 3-3, Table 3-1 – This table illustrates the significance and magnitude of the "Proposed Action." The fact that over 90% of the roadless area acreage is located in the 12 western states provides a good argument of why these decisions should be made at the local level. Coupled with the fact that this document does not contain the quantitative analysis to adequately disclose effects, it falls extremely short of meeting CEQ Regulations governing the NEPA process. The effects on counties in these states will be significant and they should be provided the opportunity to debate and analyze the issues locally.

The Forest Service must recognize that the impacts on the 12 western states qualify them as "cooperating agencies." The Forest Service needs to "Invite the participation of affected...State, and local agencies..." as required by CEQ Regulation early in the scoping process. Since the process has progressed this far, the agency must revise the Draft EIS after inviting participation from State and local agencies.

Page 3-6, last paragraph – The statement that people living in nearby cities favor "preservation" does not contain a reference. How was this assumption made? What cities are referenced (eastern, western)? How was the word "preservation" defined? How is "undisturbed forests" defined? This statement is very misleading without these questions answered, as many people refer to western forests as wilderness even though they contain roads and management activities.

The Forest Service must either cite a reference to support such a statement, expand the discussion to include the questions presented above, or delete it from the text.

Page 3-6, last paragraph – The statement "many unroaded areas are located near urban areas" is not supported. The descriptor "many" is subjective and does not related to Figure 3-3, Page 3-5. In fact, by interpreting the map one could infer few roadless areas are located near very many urban areas.

The Forest Service must display quantitatively the relationship of urban areas, populations, and roadless areas in the United States.

Page 3-9, 5<sup>th</sup> paragraph – A reference is lacking for the statement "The increasing demand for wood fiber will be met through a combination of international trade and domestic supply." What combination of trade and domestic supply? Are there cumulative effects associated with this shift in supply? This should be addressed and any potential effects disclosed.

The Forest Service must address these questions in order to fully disclose the direct and cumulative effects.

Page 3-11 and 3-12 – This section discussed how clearcutting may be used and ground harvest equipment could be used under certain conditions as long as roadless characteristics are maintained. However, later in Chapter 3, numerous statements are made about how damaging clearcutting is. For example, clearcutting is blamed for increased forest fragmentation (Page 3-56), biodiversity loss (Page 3-57), connectivity (Page 3-57), loss of snags, old growth, and down woody material (Page 3-58), etc. Yet, the Forest Service is identifying clearcutting as a management option. In addition, timber harvest using clearcutting without roads will require long haul cable or helicopter yarding

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systems. These systems are only economically effective up to one mile in forest stands that contain enough value to recover costs. This decision will only allow timber harvest on the perimeter of roadless areas and areas that are economically feasible (up to one mile inside a roadless area) (Page S-37, Page 3-108, 3-113, 3-115, etc.) creating significant impacts in those local areas. This assumption is supported by the statement on Page 3-12 that "...impacts of timber and special products harvest are greatest close to roads and generally decrease as the distance from roads increases." The document further states that some roads are necessary for helicopter yarding (3-113-115) but the "Proposed Action" essentially eliminates this from any consideration. The "Proposed Actions" to include timber harvest is not feasible based on the constraints imposed and the impacts it will cause on the perimeter of roadless areas.

The Forest Service must clarify these discrepancies and develop a preferred alternative that is feasible.

Page 3-12 – The portion of this section that discussed expansion of ski areas, resorts, and other recreational developments only addresses those that are currently under permit or have an exiting decision for expansion. It does not discuss what the decision is for newly proposed ski areas, resorts, or other recreational developments.

The Forest Service must discuss the disposition of new special use proposals as part of the "Proposed Action."

Page 3-12, 4<sup>th</sup> paragraph – What is the reference that recreation opportunities in semi-primitive and primitive settings will continue to decrease in most non-federal ownerships?

The Forest Service must cite a reference for this assumption.

Page 3-16, Alternative 1 – The discussion states that road decommissioning would continue to increase nationwide. The question is "How much funding is being spent on road decommissioning that could, instead, be used for road maintenance to offset the backlog identified?" This creates a perception that the Forest Service is more concerned about eliminating roads that seriously resolving the maintenance backlog problem.

The Forest Service must disclose how much funding is being allocated to road decommissioning and compare it to road maintenance needs.

Page 3-18 through 3-20, Alternatives 2-4 – Road construction, reconstruction, and maintenance activities contribute jobs, dollars, and economic development to local communities. This section did not address the potential impacts to local communities in this respect. Questions that need to be answered include: 1) How many jobs are dependent on these road activities? 2) How many dollars do these activities contribute to local economies? 3) What is the impact on Forest Service organizations at the local level and how will that effect local communities? (We can presume that, since roads are an element of the past, local Forest Services offices will not need engineering organizations. Many of these Federal offices provide a significant portion of the jobs, salaries, etc. to local communities.) 4) How much of the Forest Service road construction, reconstruction, and maintenance budget is spent in roadless areas? (No data is provided to support the conclusion that funds could be shifted to other high priority areas for road maintenance.)

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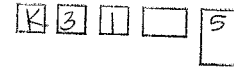


OFFICE OF THE COMMISSIONERS  
COUNTY OF CONVERSE

107 No. 5th • Drawer 990 • Douglas, Wy 82633 • 307-358-2061 • FAX 307-358-5998

COMMISSIONERS: Al Stoick, Chairman • Frank G. Eathorne, Jr., Vice-Chairman • Sharon K. Lovitt, Member

July 6, 2000



CAET RECEIVED  
JUL 13 2000

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

Dear Sirs:

We were not able to attend the meeting on June 27, 2000, but would like to submit the following for consideration.

The County Commissioners of Converse County, Wyoming are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Wyoming and the Wyoming County Commissioners Association. Our comments today are general in nature and will be supported by submission of our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

Our review, to date, has revealed the following issues and concerns:

1. **The Draft EIS appears to be Biased and Predecisional**

However harsh this may appear, recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selecting the preferred alternative and proposed action. Let me cite some examples.

- A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.
- B. The Vice President's statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forest." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.
- C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

2. **The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments**

The Forest Service admits that its assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction—and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship, timber harvest, fuel reduction, catastrophic fire,

The Forest Service must address and disclose the impacts on local communities and address the questions presented.

Page 3-26, second paragraph – In many parts of the West, water is our most valuable and often our most limited resource. What is the rationale for concluding that a cumulative reduction in water yield is a beneficial effect? To ranchers and irrigators, a decrease in water yield will not be viewed as a benefit.

The Forest Service must consider the effects of reductions in water yield on communities and agriculture uses.

General – The 1996 Farm Bill signed by President Clinton expanded the role of local county conservation districts in resource management, including lands administered by the federal government. The local conservation districts need to be included in decisions affecting soil, water, noxious weeds, etc. Nowhere in the document have their roles and responsibilities been acknowledged or defined.

The Forest Service must explain why conservation Districts have not been included in this analysis. In addition, Conservation Districts were not included in the distribution list (Page 4-9 through 4-11) and never mentioned in the entire document.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

Artlin Zeiger, Chairman

Linda Fleming, Member

Lee Meacham, Member

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads me to the next point.

### 3. The Draft EIS Contains Numerous NEPA Deficiencies

The Draft EIS fails to meet basic Council on Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternatives
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

We will be providing numerous examples in our detailed response of how the Draft EIS fails to meet these requirements.

### 4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are facts and which are the author's personal biases. Here are a few examples:

- A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects, which can be equal to or more destructive than planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.
- C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretreivable commitments to dispersed recreation activities in roadless areas." You can't have it both ways - irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement, which is a legal conclusion of the agency.

### 5. Conclusion

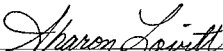
As relief to our concerns, the Commissioners of Converse County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Converse County Commissioners:

  
Al Stoick, Chairman

  
Sharon Lovitt, Member

  
Frank Eathorne, Member





Office of  
**COUNTY COMMISSIONERS**  
 Crook County  
 BOX 37  
 SUNDANCE, WYOMING 82729

July 5, 2000

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

Dear Planners:

Once again, Crook County along with many other rural communities nationwide, has been completely ignored by Forest Service planners. The Roadless Plan is a case of "reverse engineering" at its worst.

The Roadless Area Conservation DEIS is seriously flawed. We challenge the entire planning process on the basis that the Forest Service has not followed appropriate procedures in the Plan's development.

Information in the DEIS regarding the potential impacts to counties and local governments was not gathered from those same entities. The Forest Service totally bypassed the NEPA process when it excluded local stakeholders from participating meaningfully in the planning process.

Crook County adopted a new land use plan in 1998 that specifically addresses the importance of multiple use of our public lands. It spells out how federal agencies are to coordinate with the County when those agencies propose actions that have the potential of affecting the use of land or natural resources in Crook County. The proposed roadless plan will definitely impact Crook County in those areas. Crook County has not been allowed to participate at the levels allowed in its land use plan.

We **strongly** oppose the proposed roadless area conservation plan and recommend that the entire proposal be withdrawn immediately.

Sincerely,

*Mark Semlek*  
 Mark Semlek, Chair  
 Crook County Board of Commissioners

*Anita Fish*  
 Anita Fish  
 Crook County Land Use Planning &  
 Zoning Commission

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**FACT RECEIVED**  
 JUN 12 2000

**RESOLUTION NO. 9-2000**  
**CROOK COUNTY'S ROADLESS INITIATIVE COMMENT**

WHEREAS, Crook County has a resource-based economy and the Black Hills National Forest is a vital link to many segments of our economy.

WHEREAS, livestock grazing, logging, tourism recreation including hiking, camping, hunting, picnicing, berry picking, skiing, fishing, photographing, bird watching, snowmobiling and a multitude of other uses by a wide array of citizens are an important part of the custom and culture of surrounding communities.

WHEREAS, the Black Hills National Forest is a unique area and much local input has been involved in managing our forest.

WHEREAS, pride and a sense of ownership are vital elements in managing the Black Hills National Forest.

WHEREAS, local decisions with local involvement motivate positive volunteer actions.

WHEREAS, the majority of the users of the Black Hills National Forest are concerned, conscientious individuals interested in the long term well being of the forest and surrounding area.

WHEREAS, the Black Hills National Forest is a well managed forest and requires active local treatment to remain healthy and productive.

WHEREAS, a well managed forest is vital to watersheds in the Black Hills.

WHEREAS, a well managed forest reduces the risk of wildfire.

WHEREAS, an active multiple use forest provides a better environment for plants and wildlife than urban sprawl.

WHEREAS, Crook County has a land use plan in place that supports continued multiple use of the forest and identifies the involvement Crook County should be allowed in the decision making processes of federal and state agencies when proposing actions that will potentially impact the county.

**THEREFORE BE IT RESOLVED**, that the Crook County Board of Commissioners opposes decisions that affect the Black Hills National Forest and Crook County being made on a federal level without substantive input from the citizens of Crook County. The Crook County Board of Commissioners are hostile to the federal administrations actions affecting our Black Hills National Forest.

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Dated this 7th day of June, 2000.

CROOK COUNTY BOARD OF COMMISSIONERS

*Mark A Semlek*  
MARK A. SEMLEK, CHAIRMAN

*Merle J Clark*  
MERLE J. CLARK, VICE-CHAIRMAN

*George Willey*  
GEORGE WILLEY, MEMBER

ATTESTED: *Cornie D Schetter*  
Crook County Clerk



# 1998 Land Use Plan for Crook County

*(Succeeds and Replaces 1977 Crook County Land Use Plan)*

Approved by Crook County Board of Commissioners on 11/4/98

## INTRODUCTION - Plan Purpose

The purpose of this plan is to establish a process for Crook County to coordinate with federal and state agencies on their proposed actions that may potentially affect the management of private and public land and natural resource use. Crook County will coordinate on the proposed actions so Crook County citizens may preserve their customs, culture, and economic stability while protecting and using their environment.

Through the land use planning process, Crook County commits itself to attempting to assure that all natural resource decisions affecting the County shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands. The County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens of the County and those communities utilizing those natural resources within the County. Crook County is convinced that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain and revitalize multiple use of federally and state managed lands in Crook County, but will enhance environmental quality throughout the County.

Federal law and regulations allow the County to fully participate as a cooperating agency in the federal and state planning process. (See Appendix A listing laws and regulations.)

The Crook County Board of Commissioners will hereinafter be referred to as the Board.

This New Land Use Plan has been developed to provide a baseline vision of what Crook County expects in terms of the effects of proposed governmental management activities on private, municipal, state and federal lands as well as the effects from proposed natural resource regulatory actions.

If any provision of the Plan shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

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### CUSTOM, CULTURE AND ECONOMIC BASE OF CROOK COUNTY

The people of Crook County historically, traditionally and currently earn their livelihood from activities reliant upon the use of natural resources. The economy of the County has always been, and is today, dependent upon activities critically and economically related to ranching and farming, logging, mining and other natural resource related activities. Segments of Crook County's economy are reliant upon the abundant natural resources occurring countywide. In addition, family and community traditions have developed around the economic and recreational use of the land.

Public land is managed by federal or state agencies, while use of private land can be impacted by federal or state regulatory agencies. Federal and state agencies may propose management actions and regulations that can impact and change Crook County's custom, culture and economy. (See Appendix B for chart.)

In recognition of the critical tie between the use of the private, federal and state natural resources and the economic stability of the County, the Board developed the land use planning process to serve as a guide to cooperate in the planning for federally and state managed lands as well as the consideration of the County in any federal or state natural resource regulations.

Again, the Board feels that this plan will be successfully implemented only with an on-going planning and review process that involves the citizens of Crook County.

### MULTIPLE USE/ECONOMIC USE OF FEDERAL, STATE AND PRIVATE LANDS AND COORDINATION WITH FEDERAL AND STATE AGENCIES

The Board recognizes that federal law mandates multiple use of National Forests and Bureau of Land Management land. The Board positively supports continued multiple use for these lands and support the continued economic use of private and state lands.

The Board is concerned with the protection of the physical environment of Crook County and intends to offer comments, proposals or alternatives to proposed decisions which affect the environment. The Board intends to be involved in federal and state agency decisions which affect the environment.

The Board requests that, to the fullest extent required or permitted by law, all federal and state agencies shall, in all actions proposed that have the potential of affecting the use of land or natural resource in Crook County, do the following:

- A. Meet with the Board to establish a process for such coordination, that may include joint planning, joint research and data collection, joint hearings or joint environmental assessments.
- B. Analyze and consider the effects those actions will have on:
  - community stability;
  - maintenance of custom, culture and economic stability;
  - conservation and use of the environment and natural resources.
- C. Coordinate with the Board, to the fullest extent possible, as a cooperating agency on any federal or state action or decision.
- D. Allow the Board to modify or submit a viable alternative for consideration by the agency.

This coordination follows the procedure as described in Wyoming Statute 18-5-208. **Coordination of planning efforts with federal agencies:**

*The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal regional forest or other resource management plans as provided in the Federal Land Policy and Management Act of 1976 and federal regulations adopted pursuant to that act, including, but not limited to, Title 36, of the Code of Federal Regulations, part 219.7 and Title 43, of the Code of Federal Regulations, part 1610.3. (See Appendix C for 36 CFR, Part 219.7, and 43 CFR, Part 1610.3.)*

### SPECIFIC GOALS FOR NATURAL RESOURCE USE

#### 1. AGRICULTURE & LIVESTOCK GRAZING

**Goal:** Crook County will strive to promote the continuation of agriculture and livestock grazing as important, historic components of the County's economic and cultural base on both public and private land ownership.

**Background:**

Livestock production has occurred in Crook County for more than a century, and ranching has symbolized the County's economy, lifestyle and culture. A "ranch" consists of more than just the animals, a house and surrounding corrals and outbuildings. The concept of ranching, and therefore, the "ranch" includes the buildings, the homesite, the equipment, the livestock, the land, the forage resource, the water rights and all activities devoted to the ranching operation. Furthermore, these resources are very specific to agriculture production and are not easily adapted to alternative uses that can support the economic needs of rural families.

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Crook County's agricultural industry is evaluated in the context of cattle and sheep ranching. Hay production is typically part of most livestock operations in the County. In light of these operational characteristics, the combined description enables the calculation of a more accurate evaluation of ranching's contribution to the Crook County economy. (See Appendix D for agricultural statistics.)

Reduction of AUMs on public land will have disastrous economic impact on individual ranches, and collectively on the County itself. Continued grazing use of federally and state managed land is vital if the livestock industry is to survive. The expectation for continuation of the livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens. In addition, livestock grazing can be used to benefit and enhance riparian areas and uplands.

Forage crops, hay, silage and feed grains are produced in Crook County comprising an integral part of the livestock industry.

Irrigated and intensive agriculture also provide a major contribution to the economic base of the County critical to the economic stability of the County. Productive watersheds must be maintained within the county as essential factors to preservation of irrigated agriculture.

The quality of economic life of Crook County as well as the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values which are part of life in the County are enjoyed in part because of agricultural production.

Crook County is limited by severe winters, limited water quantities and low population when it comes to development of a non-agricultural economy.

**Objectives:**

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions or regulations which may impact agricultural or livestock production.

Crook County shall carefully evaluate all existing and proposed federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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**2. AIR QUALITY**

**Goal:** Crook County will strive to monitor the available data to identify any potential conflict with federal law regarding the protection of air quality.

**Background:**

Crook County must comply with Class 2 Air Quality standards (See Appendix E for more information.)

There is an air quality monitoring station located at Devils Tower.

**Objectives:**

Crook County shall request that federal and state agencies notify the County of any proposed actions changing air quality standards in Crook County.

Crook County shall carefully evaluate all federal and state proposals, actions or regulations which could change standards for air quality over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

**3. AIR SPACE**

**Goal:** Crook County will strive to maintain air access for emergency and operational activity over the County within current laws and regulations.

**Background:**

Crook County covers a vast area with many regions which are extremely remote and while they are accessible over land, travel is extremely slow. Any increased air space restrictions must be minimal in order to preserve civilian use for law enforcement, medical emergency, search and rescue, livestock management, and predator control measures. (See Appendix F for more information.)

**Objective:**

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any proposed actions changing restricted air space in Crook County.

Crook County shall review any proposals which would change air space standards over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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#### 4. CULTURAL

**Goal:** Crook County will strive to maintain and share the story of its cultural history.

**Background:**

Several areas of ancient people petroglyphs and pictographs still can be seen in places, usually on sandstone cliffs, facing south.

They told of the cultural past of these nomadic ancient people, probably living several hundred years ago. Many sites may be open to vandalism and destruction because of the remote areas in which they are located.

Buffalo jumps tell us the story of the cultural past of these Ancient People. There are several jumps in Crook County, but the most significant site is the Vore Buffalo Jump. For over three hundred years, Plains Indian groups stampeded bison over the rim and into deep natural "sink holes". The buffalo provided American Indians not only their primary food, but was the source of many other materials used in their culture.

When this area became settled by the first white settlers, schools became cultural sites both in the established towns and out in the country.

Devils Tower, established as our nation's first National Monument in 1906 was the site for early cultural and social events and still is of great importance today.

Warren Peak and Cement Ridge, fire lookouts administered by the U.S. Forest Service, are also a part of this County's developments.

Ranch A, Moses Annenberg's hunting lodge, built around 1930, now owned by the State of Wyoming, is a learning center for the area.

The U.S. Air Force Radar Site on Warren Peak, built in the 1960's, was the world's first air transportable nuclear power plant. This highly sophisticated device was tested on Warren Peak for several years. It was removed at the end of the test period.

**Objectives:**

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the County's cultural resources.

Crook County shall carefully evaluate all federal and state actions or regulations which could affect the County's cultural resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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#### 5. ENERGY & MINERAL RESOURCES

**Goal:** Crook County will strive to promote responsible mining and mineral exploration as an important, historic multiple use.

**Background:**

Energy and mineral resources provide the base for an important contribution to the economy of Crook County. Oil, gas and mineral industry payroll and expenditures for supplies are important to the economic stability of the County.

There are a variety of minerals extracted for commercial use in Crook County.

Bentonite is produced at Colony. A small coal mine was in operation at one time near Aladdin. The Hauber Uranium Mine, located north of Hulett, had been the state's first uranium mine, and was owned by Homestake Mining Company. All of Crook County has potential for sizable uranium production. The Bear Lodge Mountains are also highly mineralized and potential exists for metals mining.

The Powder River Basin is an important oil, coal and uranium producing region. Oil production is primarily Cretaceous in age. Typical of this formation, oil and gas production is prolific when discovered but depletes quite rapidly. Coal and uranium are predominately produced from the Fort Union and White River formations. Along the contact between the Black Hills Uplift and the Powder River Basin are numerous outcroppings of granite, limestone, bentonite, and other minerals.

The Geological Survey of Wyoming lists many natural mineral occurrences in Crook County. (See Appendix G for the list of minerals.)

**Objectives:**

When action is considered regarding mining interests in Crook County, the restraints upon free market development imposed by statute or by agency rule shall be evaluated by the County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

#### 6. FOREST RESOURCES

**Goal:** Crook County will strive to maintain sustainable timber harvesting as an important, historic multiple use of federal lands and as an effective forest management tool on private and state land.

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**Background:**

Historically, forest resources in Crook County have been used for mines and domestic use since the occupation of European settlers in the 1800's. A significant portion of Crook County's economy and tax base is based on the harvest and processing of timber from private, state and public lands.

The Bear Lodge and Moskee areas of Crook County contain the majority of commercial timber acreage. The USFS is the primary land manager of Crook County's timber resources. Private, BLM, and state school lands make up the additional timber resource.

Crook County has a historical, cultural and economic relationship to timber management. The state has been actively managing its timber resources on state lands through commercial timber sales and pre-commercial treatment. Many private lands are being managed for both grazing and timber fiber production by local mills with the aid of the State Division of Forestry. (See Appendix H for more information.)

**Objectives:**

The County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting forest or timber resources or their use.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect forest or timber resources

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Any vegetative treatment, prescribed burning, or public land set-aside shall be reviewed by Crook County.

**7. PALEONTOLOGICAL RESOURCES**

**Goal:** Crook County should strive to maintain the integrity and the opportunity to research its significant paleontological sites.

**Background:**

There are several sites in Crook County which contain significant fossilized remains. (See Appendix I for more information.)

The importance of future paleontological digs and subsequent findings are recognized by Crook County. However, the protection of such resources should not automatically supersede the best interests of Crook County nor its citizen's rights.

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**Objectives:**

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the integrity of, or access to, County paleontological resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

**8. PRIVATE PROPERTY**

**Goal:** Crook County will strive to protect its citizens' constitutional rights to private property including but not limited to water, mineral, surface and subsurface rights in its planning and actions.

**Background:**

Crook County recognizes its citizens' inalienable, natural rights to private property, as defined and upheld by the United States Constitution.

People who live in Crook County are reliant upon the land and its productive use. Private ownership and the incentive provided by such ownership is the driving force which supports the livelihoods, culture, custom and economic stability of Crook County citizens.

**Objectives:**

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions affecting the existing use of or on private property or public lands.

Crook County shall evaluate and comment on federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County shall plan for, and take positive action to ensure, that private property, private property interests and investment backed expectations are protected under the Fifth Amendment to the United States Constitution which prohibits the taking of private property for public use without just compensation.

**9. RECREATIONAL USE**

**Goal:** Crook County will strive to protect recreational opportunities compatible with local custom, culture and environmental stewardship within the constraints of private property rights.

**Background:**

Crook County offers a variety of recreational opportunities, many of which generate revenues for the local economy. (See Appendix J for list of recreational activities in the County.)

Recreationists enjoy access to activities on public lands in Crook County, but are expected to demonstrate ethical behavior which respects and helps maintain the sustainability of the County's natural resources. There is no charge for some of these activities and, consequently, the costs to provide these services are picked up by all taxpayers.

**Objectives:**

Crook County shall request that the federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting recreational opportunities in Crook County.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect recreational use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

The planning of recreational management areas, facilities and byways shall consider time and cost impacts on County services and provide for economic or other management mitigation of such impacts.

**10. RIGHTS OF WAY**

**Goal:** All planning efforts in Crook County should strive to seek to maintain historic rights to travel over federally and state managed lands wherever necessary in pursuit of mining, logging, livestock raising, and other historic uses.

**Background:**

Utility corridors have historically been very important in Crook County. Historically, the development of mining, logging, livestock grazing, ranching, and farming has required establishment of numerous rights of way over the federally and state managed lands. Continued use of these rights of way is essential to continuation of the associated commerce.

The potential exists for the County to assert its RS 2477 rights.

**Objectives:**

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the historic rights to travel within Crook County.

Crook County shall carefully evaluate all federal and state actions, proposals or regulations which could affect the County's historic rights to travel.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Along with right to travel over these rights of way, any maintenance necessary to continue the historic use shall be allowed.

Historic travel routes that cross state or federal land are those that have been used for at least ten years. Appropriate historic travel routes may be identified under RS 2477.

**11. WATER RESOURCES**

**Goal:** Crook County will strive to protect the quality, quantity and use of surface and ground water.

**Background:**

Water quality and quantity in Crook County has determined where development has and will occur.

Crook County seeks to maintain the historic and economic use of water for agricultural irrigation and domestic use. (See Appendix K for more information.)

The State of Wyoming, Department of Environmental Quality maintains jurisdiction over water quality enhancement and protection from point source and non-point source pollution.

Crook County supports the present state laws and regulatory system administering the use and ownership of all surface and ground water within the State of Wyoming. Crook County recognizes that the protection and development of its water resources are essential to its short and long term environmental, economic and cultural viability.

**Objectives:**

Crook County shall, to the fullest extent allowed by federal law, be notified of all state, interstate, federal and international actions that have any impact on the water or use of water in Crook County, prior to such actions or planning processes being initiated.

Crook County shall comment on any proposed actions that affect water quality and quantity or use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

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Water Quality:

A. Riparian Areas: The maintenance of the custom, culture, and economic stability of the County and private property rights and private property interests including investment backed expectations shall be considered of high importance in the application of any riparian area management plans, including Forest Service and Bureau of Land Management allotments or grazing plans, point source and non-point source pollution laws.

B. Wetlands: Crook County shall monitor and evaluate implementation of the "wetlands" provisions of the Clean Water Act by federal regulatory agencies when it affects the custom, culture or economic stability of Crook County residents.

C. Aquifers: Crook County requests that the Wyoming Department of Environmental Quality (WDEQ) work with the County to assure that minimal potable water is used for secondary oil recovery injection wells. Alternative methods shall be evaluated.

Water Quantity:

A. The protection and preservation of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers or abandonment in water use shall be considered carefully in relationship to the history, traditions, culture and economics of Crook County.

B. Crook County recognizes existing water rights and promotes new development of water for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes for future economic and cultural growth.

**12. WILDERNESS and Other Set Aside Designations**

**Goal:** Crook County will strive to have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

**Background:**

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

The Wyoming Wilderness Bill of 1984, Public Law 98-550, aimed "To designate certain national forest system lands in the State of Wyoming for inclusion in The National Wilderness Preservation System, to release other forest lands for multiple use

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management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes." Sand Creek area was considered for Wilderness but was released.

There are no designated Wilderness areas in Crook County.

**Objectives:**

Current Wilderness or set aside recommendations made by federal agencies shall be reviewed by the County in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Crook County. This evaluation and subsequent recommendation from the County will be forwarded to Congress.

Should the recommendation be made by Congress not to designate an area as Wilderness or set aside, the area under consideration shall be released from further wilderness consideration.

**13. WILDLIFE**

**Goal:** Crook County will strive to encourage the Wyoming Game and Fish Department to maintain balanced wildlife populations for both consumptive and non-consumptive uses.

**Background:**

The Wyoming Game and Fish Department is the principle agency responsible for managing the wildlife resource in Crook County. Historically, white-tail deer and Merriam's wild turkey have been the species of interest for the hunting public in this area. However, over the past ten years white-tail deer, turkey as well as Pronghorn Antelope numbers have declined. Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period. Two mountain lions have been killed in Crook County in the past ten years; there are no bears in the area. Populations of cottontail rabbit, squirrel, and sharp-tail and ruffed grouse are weather and habitat dependent; their present populations have minimal impact on the regional economy. There are no resident wildlife species classified as threatened or endangered in Crook County. (See Appendix L, #1 for more information.)

In Wyoming, the state legislature has assumed responsibility for wildlife caused damage on agricultural lands from those animals classified as big game, trophy game and game birds. Wildlife depredation is more prevalent when population numbers are high, particularly during drought or severe winter weather conditions. Additionally, the Game and Fish Department annually provides damage prevention materials to county landowners for protection of stored crops. (See Appendix L, #2 for more information.)

The legislature has classified coyotes, red foxes, jackrabbits, skunks, raccoons, porcupines and stray cats as predators. No claims are paid for predator caused damage, although the Game and Fish Department does contribute annually to the state predator control program. (See Appendix L, #3 for more information.) There are no reliable



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population estimates for these species, also there are no regulated hunting seasons or license requirements for predators.

**Objective:**

Hunting activity, allowable harvests and Departmental feeding programs shall be coordinated with Crook County to achieve a balanced multiple use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Crook County requests that the Wyoming Game and Fish Department hold public hearings in local vicinities that represent affected landowners.

Crook County requests that the Wyoming Game and Fish Department incorporate County citizens' public input early in the licensing decision-making process.

**CONCLUSION**

This Plan provides the formal outline of the planning process as it relates to the federally and state managed lands and federal and state regulation on private property. The implementation process of the Plan will be continual, and will require the Board to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development, implementation and monitoring. There is currently no budget for Land Use Planning, and its effectiveness will depend on the commitment of volunteers.

Federal and state regulation action as well as management actions on federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions and monitoring activities should adhere strictly to the laws of the United States, the State of Wyoming, Crook County, and all its municipalities.

**APPENDICES TO THE PLAN**

**APPENDIX A - Introduction**

**List of Laws and Regulations that impact state and federal planning processes:**

- Forest and Rangeland Renewable Resources Planning Act of 1974
- Forest Service Regulations
- Bureau of Land Management Regulations
- Endangered Species Act (ESA)
- Wild and Scenic Rivers Act
- Historic Preservation Act Regulations
- Clean Air Act
- Clean Water Act
- Rural Environmental Conservation Act
- Resource Conservation Act of 1981
- Presidential Executive Order 12866 - Regulatory Planning and Review (Sept. 30, 1993)
- Presidential Executive Order 12630 - Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)
- Federal Land Policy and Management Act (FLPMA)
- Federal Advisory Committee Act (FACA)
- Food and Agriculture Conservation Trade Act
- National Environmental Policy Act (NEPA)
- The Wilderness Act of 1964
- The Wyoming Wilderness Bill of 1984
- American Heritage Rivers Initiative

**APPENDIX B - Custom, Culture and Economic Base of Crook County**

There are 1,827,840 acres in Crook County.

-Source: Crook County Assessor's Office.

**Land Ownership in Crook County**

Private 79%  
 Non-Private 21%

**Breakdown of Non-Private Land**

US Forest Service	8.7%
State of Wyoming	6.2
Bureau of Land Management	4.8
Bureau of Reclamation	0.9
National Park Service	<0.1
Cities	<0.1
Wyoming Game & Fish	<0.1
Crook County	<0.1
School District	<0.1
Water	0.6
Other	0.5
	21.0%

-Source: Baseline data on agriculture and natural resources in Crook County provided by Gene Gade, UW Extension.

#### APPENDIX C - Multiple Use/Economic Use of Federal, State and Private Lands and Coordination with Federal and State Agencies

The following is Part 219.7, Title 36, of the Code of Federal Regulations:

##### 219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7)

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include-

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives of their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

[47 FR 43037, Sept. 30, 1982, as amended at 48 FR 29122, June 24, 1983]

The following is Part 1610.3, Title 43, of the Code of Federal Regulations:

#### 1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

Sec. 1610.3 -1 Coordination of planning efforts

(a) In addition to the public involvement prescribed by Sec. 1610.2 of this title.

(1) the following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for the State Directors and District

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and Area Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

(b) State Directors and District and Area Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity to review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(C) In developing guidance to District Managers, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by Sec. 1610.3-2 of this title,

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied, and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(d) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under Sec. 1610.2(b) of this title.

(e) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under Sec. 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(f) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process. Sec. 1610.3-2 Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

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(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any know inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.

**APPENDIX D - Agriculture & Livestock Grazing**

**Agricultural Statistics for Crook County:**

The primary contribution of agriculture to the revenue base of Crook County is through the collection of ad valorem taxes. Crook County assigns an assessed value to several classes of agricultural lands. This assessment includes varied assessment values for dry farm, irrigated lands, range, farmsteads, waste and bog lands, as well as related improvements. Crook County's total assessed value in the 1997 abstract is \$28,116,817.00. 1,376,959 acres of agricultural lands and related improvements shows an assessed value of \$6,767,016.00.

-Source: Crook County Assessor's Office.

-For Agricultural Statistics, see Wyoming Agricultural Statistics Service, 1997 Publication on file in the County Clerk's Office.

-Also, see reports on file in the County Clerk's Office, from Gene Gade, UW Extension Agency.

**APPENDIX E - Air Quality**

Information on air quality area classifications and standards can be obtained from the *Wyoming Air Quality Regulations*, a publication available through the Wyoming Department of Environmental Quality, Air Quality Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002. A copy of the publication will remain on file in the office of the Crook County Clerk, Sundance, Wyoming.

**APPENDIX F - Air Space**

Currently, the Department of the Interior, Devils Tower National Monument, has a memorandum of understanding (MOU) with the US Air Force concerning overflights of the Tower. This MOU was signed with Colonel Shuebbert, stationed at Ellsworth Air Force Base in 1995. The request for the MOU came from the Devils Tower National Monument Superintendent, who reported that the overflights were disruptive to visitors at the Monument.

The MOU states that there will be a reserved air space as defined by five (5) nautical and vertical air miles and followed by all Department of Defense personnel.

**APPENDIX G- Energy & Mineral Resources**

**List of Minerals in Crook County**

Alum	Barite	Bentonite
Calcite	Coal	Columbite
Copper	Fluorite	Garnet
Gold	Gypsum	Iron-Pyrite
Lead	Limestone	Manganese
Nepheline-syenite	Oil and Gas	Quartz-agates
Tripolite	Silver	Sandstone
Stone-marble	Titanite	Tourmaline
Uranium	Rare Earths	Vanadium
Zinc	Sand & Gravel	

(Source: Crook County Land Use Plan, December 19, 1977, page 13.)

**APPENDIX H - Timber Resources**

The US Forest Service has a proposed harvest of 83.8 million board feet (MMBF) on the Black Hills National Forest. This has decreased 30% from the 1983 Forest Plan.

-Reference: Revised Forest Plan for the Black Hills National Forest and related EIS. See these documents, on file with the County Clerk, for further information.

**APPENDIX I - Paleontological Resources**

The Little Houston Quarry, part of the Jurassic Morrison Formation and located between Moorcroft and Sundance, has produced fossils of the prehistoric Camarasaurus. Fossils found at the Hawken Site, a buffalo jump located seven miles south of Sundance, suggest the existence of a sizable herd of now-extinct bison (*bison bison occidentalis*) from approximately 4400-4500 B.C. - Source: Crook County Museum, Sundance.

**APPENDIX J - Recreational Use**

Recreational activities in Crook County include, but are not limited to: hunting, fishing, four-wheeling, snowmobiling, rock climbing, spelunking, hiking, motor biking, camping, biking, golfing, snowshoeing, berry picking, sightseeing, bird- and wildlife-watching, picnicking, swimming, horseback riding, water- and snow-skiing, rock hounding, trapping, target shooting, rodeoing, and flying.

**APPENDIX K - Water Resources**

The largest portion of crops produced with irrigation in Crook County are alfalfa, grass and other hay and feed grains which are produced for the livestock industry.

Each year, millions of gallons of potable water is used for the secondary recovery of oil on private, state and federal lands. This water becomes unsuitable for human or livestock use.

**APPENDIX L - Wildlife**

#1 - Over the past ten years, white-tail deer numbers have declined from 40,000 to 20,000 head. At the same time, turkey numbers have also declined, from approximately 10,000 to 2,000 birds. Pronghorn Antelope have experienced a similar population decline.

Consequently, county-wide revenue generated from hunter dollars has declined from \$3.2 million in 1986 to \$1.8 million in 1996.

Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period with populations of 20,000 and 500, respectively.

#2 - The Wyoming Game and Fish Department reimbursed 13 area landowners greater than \$160,000.00 during the drought year of 1989. Only one damage claim has been filed/paid each of the past two years in the county; \$2,400.00 in 1995 and \$2,840.00 in 1996. The Game and Fish Department provides approximately \$20,000.00 annually in damage prevention materials to county landowners for protection of stored crops.

#3 - The Wyoming Game and Fish Department contributes more than \$150,000.00 annually to the state predator control program.

-Source: Wyoming Game and Fish Department.

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**SOURCES**

References, including resources and sources, used in the development of the Draft 1997 Land Use Plan for Crook County:

- Interim Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Owyhee County - July, 1993
- Crook County Land Use Plan, Prepared by the Crook County Planning Commission with assistance from Tri-County Planning Office, Newcastle, Wyoming, Approved by the Board of County Commissioners of Crook County, December 19, 1977.
- Connie Tschetter, Crook County Clerk, Sundance, Wyoming.
- Gene Gade, University of Wyoming Extension Agency, Crook County Courthouse, Sundance, Wyoming.
- Board of Crook County Commissioners - Alan Roberts, Mark Semlek, Merle Clark, Don Roberts.
- Devils Tower Conservation District, Sundance, Wyoming.
- Joe Baron, Crook County Attorney, Sundance, Wyoming.
- Crook County Museum, Sundance, Wyoming.
- Wyoming Agricultural Statistics 1997, Published by: Wyoming Department of Agriculture, Wyoming Agricultural Statistics Service, University of Wyoming, College of Agriculture.
- Crook County Land Use Planning and Zoning Commission -
  - Members: Anita Fish, Chairperson
  - Mary Flanderka, Vice-Chairperson
  - Gerald Bunney
  - Walt Marchant
  - Gisele Robinson
  - Sub-committee: Gary Allison
  - Dan Boone
  - Larry Goodson
  - Sheryl Klocker
  - Darlene Spiedel
  - Linda Tokarczyk
  - Darla West

\* To access more information on land use planning in Crook County or more details on the County's land use planning process, please contact the office of the County Clerk, P.O. Box 37, Sundance, WY 82729 - County Courthouse, Sundance, Wyoming - Phone: 307-283-1323.

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

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Dear Forest Service,

The Crook County Conservation District has conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

*Ted Madine Pres.  
Wayne Hansen  
Quint Dumbilla*

CAET RECEIVED  
JUL 17 2000

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

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CAET RECEIVED  
JUL 17 2000

Dear Forest Service,

The Lake DeSmet Conservation District, in conjunction with our State Association, have conducted a review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. The review uncovered numerous questions that may indicate a need for changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains many concerns pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process. There are misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf.

From the review, the District is requesting that the Forest Service consider two courses of action. We request that you:

1. Withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If the Proposed Rule and Draft EIS moves forward, the District would like to request that the Forest Service at a minimum, revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..."

If neither course of action is pursued, we strongly request an extension of the comment period for an additional 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

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Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration".

Sincerely,

John Pearson, Chair  
LDCD

Cc: Governor Jim Geringer  
Senator Craig Thomas  
Senator Michael Enzi  
Representative Barbara Cubin  
Chief--USDA Forest Service

COUNTY COMMISSION PUBLIC COMMENT CONCERNING  
FOREST SERVICE ROADLESS AREA  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
RIVERTON, WYOMING MEETING JUNE 27, 2000

CAFT RECEIVED

JUN 05 2000

My name is Tom Satterfield. I am the president of the Wyoming County Commissioners Association and a Commissioner from Fremont County Wyoming. The Wyoming County Commissioners Association is in the process of preparing a detailed and comprehensive review of the Draft EIS concerning the roadless area impact in Wyoming. This "White Paper" will be submitted to the Chief of the Forest Service before the close of comment on July 17, 2000.

Our review of the draft EIS has uncovered some disturbing issues. Previous actions and statements by the Executive Branch of our government and the Chief of the Forest Service tends to support a preferred alternative and proposed action. The temporary suspension of road construction in many roadless areas was without public comment or input of local governments. It was done without regard for the impact on roads, recreation timber harvest, or any other multiple uses of the forest lands. Vice President Gore is quoted as saying, "And just so I'm crystal clear about it; No new road building and no timber sales in the roadless areas....." Now since this EIS is under the umbrella of the Executive Branch it does not take a rocket scientist to figure out which direction the EIS is going. In fact the whole document is written so subjectively that it leans toward justifying the proposed action of prohibiting timber harvest rather than presenting any objective analysis of alternatives, issues and most of all effects. Where is the analysis of the impacts on counties? When did anyone bother to ask what the impact is on Fremont County? Does the federal government really believe that they know more about issues in Fremont County related to recreation use, stewardship timber harvest, fuel reduction, catastrophic fires, ecological factors, wildlife numbers. I don't think so. Counties in Wyoming have spent hundreds of thousands of dollars in the last few years coming ups with credible data concerning the economics of each of these issues and the Forest Service has not even bothered to ask county commissioners for the data.

The next item that concerns us is the flagrant abuse of the law. This draft EIS fails to meet the basic Council on Environmental Quality Regulations concerning the Nation Environmental Policy Act. I could name sixteen to twenty violations and I would just be getting started. These will be addressed in our "White Paper"

The Fremont County Commission wants to go on record requesting the Forest service to:

1. Withdraw the proposed rule.
2. Delegate the decision for determining roadless areas to local forest supervisors through the normal land management planning process so local governments can play an active role in the process.

Thank you for the opportunity to comment.

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**Board of Lincoln County Commissioners**

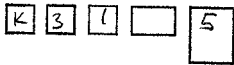
925 Sage Avenue  
Kemmerer, Wyoming 83101

Stan Cooper, Chairman  
Kemmerer, Wyoming 83101

307-877-9056  
307-877-4237 Fax  
e-mail: cclincl2@wdhpop.state.wy.us

Kathleen Davison  
Kemmerer, Wyoming 83101

Jerry T. Harmon  
Afton, Wyoming 83110



The County Commissioners of Lincoln County, Wyoming are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

**1. The Draft EIS appears to be Biased and Predecisional**

A. On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.

B. The Vice Presidents statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

C. The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

**2. The Draft EIS does not Adequately Address the Impacts on Counties and Local Governments**

The Forest Service admits that it's assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction – and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. We do not

believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads us to the next point.

**3. The Draft EIS Contains Numerous NEPA Deficiencies**

The Draft EIS fails to meet basic Council of Environmental Quality (CEQ) Regulations for NEPA in the following areas:

- The NEPA process must be useful to decision-makers
- Emphasize interagency cooperation including counties
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- Study, develop, and describe appropriate alternatives
- Consult early with State and local agencies
- Invite the participation of Federal, State, and local agencies
- Statements shall be concise, clear, and to the point, and shall be supported by evidence
- Statements shall be analytic rather than encyclopedic
- Agencies shall not commit resources prejudicing selection of alternatives
- Statements shall assess the environmental impacts, rather than justify decisions already made
- Each statement shall contain a summary that adequately and accurately summarizes the statement
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- Avoid useless bulk
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

**4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data**

We have discovered that so much of the document contains discrepancies and contradictions as it relates to conclusions and data.

A. The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

B. The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal to or more destructive than

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planned management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

C. In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed reaction activities in roadless areas." You can't have it both ways—irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns, the Commissioners of Lincoln County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

Thank you for the opportunity to comment on an issue of such importance to the counties and local governments of the United States.

Lincoln County Commissioners,

*Stan Cooper*

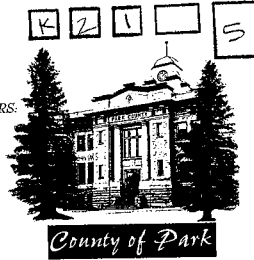
Stan Cooper, Chairman

*Kathy Davison*

Kathy Davison

*Jerry T. Harmon*

Jerry T. Harmon



BOARD OF COUNTY COMMISSIONERS:

Tim Wade, Chairman  
Charles W. Johnston, Vice Chairman  
Timothy J. Morrison, Commissioner

Commissioners' Office  
July 3, 2000

PARK COUNTY, WYOMING  
ORGANIZED 1911  
ORIGINAL PARK COUNTY COURTHOUSE  
CODY, WYOMING  
COMPLETED 1912

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CAET RECEIVED  
JUL 05 2000

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

RE: Roadless Area DEIS Comments

Dear Sir:

The Board of County Commissioners of Park County, Wyoming hereby submits the following comments concerning the Draft Environmental Impact Statement (DEIS) on the Roadless Area Conservation Proposed Rule for National Forest System Lands.

The Board has a continuing interest in the management of Shoshone National Forest lands within Park County and how such management will affect the residents of Park County. As a general policy, we endorse the Multiple Use concept, including timber harvest, and believe it should be applied to all lands where such uses can be made in an environmentally acceptable manner.

We disagree with the extremely "broad brush" approach of prescribing roadless management for over 40 million acres. The proposed action circumvents the National Forest Management Act; and the many individual national Forest Management Plans which were developed by local Forest personnel with local public involvement.

The DEIS cites six public benefits to be realized from roadless management:

- opportunities for dispersed recreation
- sources of clean drinking water
- barriers against the spread of noxious weeds
- habitat for rare plants and animals
- opportunities for monitoring and researching undisturbed landscapes
- landscapes that provide solitude and seclusion



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# SHERIDAN COUNTY COMMISSION

CHARLES L. WHITON • B. BRADFORD WATERS • STEVE COX

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USDA Forest Service - CAET  
RE: Roadless Area DEIS Comments  
July 3, 2000  
Page Two

July 12, 2000

We do not believe any of the above-cited benefits are applicable to, or justify additional roadless management on the Shoshone National Forest. We did not find any scientific evidence in the DEIS to support or suggest that dispersed recreation, high water quality or desirable wildlife habitat cannot be provided in well-managed roaded areas.

We also recognize and appreciate the value of pristine, undeveloped areas of national forests for ecological diversity, primitive recreation use and social values. We question how much is enough? The Shoshone National Forest contains 2.4 million acres, of which 1.4 million acres are already Congressionally designated wilderness. Over 90% of the recreation use occurs in existing roaded areas. Wildlife populations are at or near all time highs, and in some cases may be above population objectives set by the Wyoming Game and Fish Department. Grizzly bear populations are increasing to the point that the responsible agencies are considering delisting. Since reintroduction into the Yellowstone ecosystem, wolves are thriving and establishing new packs each year.

We do not believe roadless management, i.e., non-management, is good for our people or our economy. The Yellowstone area fires of 1988 dramatically demonstrate what can and will ultimately happen in unmanaged (over-rested) forest ecosystems. Contrast the burned-over area in and around Yellowstone National Park with the managed national forests surrounding the Park. The managed, roaded areas have more biological diversity, contain healthier watersheds and timber stands, better wildlife habitat, and more diverse recreational opportunities, than its "naturally managed" neighbor.

The future management of National Forest lands that are currently unroaded and undeveloped should be determined through local forest planning as envisioned in the National Forest Management Act, without the constraints of an ill-conceived national policy, or Executive Order.

Sincerely,  
**BOARD OF COUNTY COMMISSIONERS  
PARK COUNTY, WYOMING**

*[Signature]*  
Tim Wade, Chairman  
ABSENT

Charles W. Johnstone, Vice Chairman  
*[Signature]*  
Timothy J. Morrison, Commissioner

USDA Forest Service - CAET  
Attn: Roadless Areas Proposed Rule  
PO Box 221090  
Salt Lake City, Utah 84122

**CAET RECEIVED  
JUL 17 2000**

Dear Forest Service:

We, the Commissioners of Sheridan County have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1400-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence is provided in the attached review.

Based on our review, the Forest Service has only two (2) courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

224 South Main Street • Suite B-1 • Sheridan, Wyoming 82801-4855 • Phone: (307) 674-2900 • Fax: (307) 674-2909

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

USDA Forest Service - CAET  
July 12, 2000  
Page 2

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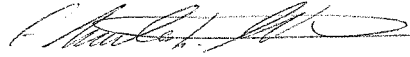
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2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS  
Sheridan County, Wyoming

  
Charles L. Whiton, Chairman

  
B. Bradford Waters, Commissioner

  
Steve Cox, Commissioner

/rb

Attachment

cc: Governor Jim Geringer  
Chief - USDA Forest Service  
State Congressional Delegation

### Summary of NEPA Deficiencies

The following review identifies deficiencies in the Draft EIS that may constitute violations of the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) governing the NEPA process.

#### PART 1500--PURPOSE, POLICY, AND MANDATE

##### Part 1500.5 Reducing delay

Agencies shall reduce delay by:

- (b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document.

**Forest Service Draft EIS**--The document was prepared without interagency cooperation from local governments and counties. As a result, adversary comments are being submitted in order to insure the Forest Service addresses critical elements of direct, indirect, and cumulative effects on local governments and counties.

#### PART 1501--NEPA AND AGENCY PLANNING

##### Part 1501.2 Apply NEPA early in the process.

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

- (b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses.

**Forest Service Draft EIS**--The document fails to describe the environmental effects in adequate detail. The proposed rule documents the fact that most of the analysis was "qualitative" in nature. The subjective disclosure of effects (highly likely, slightly, small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc.) cannot be effectively used to compare the economic and technical effects of the proposed action.

- (c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources...

**Forest Service Draft EIS**--The alternatives do not reflect recommended courses of action by local governments or counties. They only represent those developed by the agency. Conflicts have existed over the issue of roadless areas and will continue with this proposed rule.

##### Part 1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process...In addition, any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. (Note: Part 1508.5, definitions, states that "A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with

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the lead agency become a cooperating agency.")

**Forest Service Draft EIS**--The process did not include an invitation for local governments or counties to be cooperating agencies. The Draft EIS distribution list did not include local governments, counties, or conservation districts in the mailing. Local governments, counties, and conservation districts have special expertise in determining the effects and impacts of the proposed action on economies, fire, dependency, resiliency, noxious weeds, recreation and tourism, water, etc.

Part 1501.7 Scoping

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent....

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State and local agencies...

**Forest Service Draft EIS**--The process did not include an invitation for local governments, counties, or conservation districts to participate in the process. The invitation is actually for involvement after this rule is finalized. In fact, the section on Local Involvement (Page 3-209) states that "National prohibitions will not have an effect on the local involvement process itself. They would narrow the scope of what is to be decided upon locally with regard to the management of inventoried roadless areas." The problem is that the scope of any remaining decision is strictly limited to further protection of roadless areas.

Chapter 4 of the Draft EIS, Consultation and Coordination, only discusses the public involvement effort, e.g., public meetings, a web site, written responses, telephone inquiries, etc. that the Forest Service attempted to implement for this proposal. The chapter never uses the words "consultation and coordination" except in the context of American Indian and Alaska Native tribes. Basically, the Forest Service has failed to invite the participation of local governments, counties, and conservation districts. This failure also violates the Unfunded Mandates Reform Act of 1995 which states that,

"Each agency shall, to the extent permitted by law, develop an effective process to permit elected officers of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates."

PART 1502--ENVIRONMENTAL IMPACT STATEMENT

Part 1502.1 Purpose

It (the EIS) shall provide full and fair discussion of significant environmental impacts and inform decision-makers and the public of the reasonable alternatives ... Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.

**Forest Service Draft EIS**--The document does not provide a full and fair discussion of significant environmental effects. Instead, many sections are extremely biased against road construction, reconstruction, and timber harvest. The document does not inform the decision-makers and the public with reasonable alternatives (more on this later). The document is far from concise, clear, and to the point--many times repeating or continuing the affected environment discussions in sections that should disclose effects. Few of the assumptions are supported by evidence that the agency has conducted a complete environmental analysis.

Part 1502.2 Implementation

(a) Environmental impact statements shall be analytic rather than encyclopedic.

**Forest Service Draft EIS**--The document contains little quantitative information and uses an encyclopedic discussion that appears to repeatedly support the proposed action.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision.

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

**Forest Service Draft EIS**--The Chief, USDA Forest Service placed an eighteen month moratorium on road construction and reconstruction in roadless areas before the draft rule was released. This provides evidence that the Draft EIS is prejudiced and much of the written text appears to justify the proposed action. After decades of managing roadless areas, it appears suspicious that a moratorium on these activities was necessary. If fact the document discloses in many sections that road construction and timber harvest in roadless areas has declined significantly in the past decade. What is the urgency when projected development would equate to less than one half of one percent of all roadless acres in the United States during this eighteen month period?

Additionally, the Vice President of the United States is on record as stating that "And just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

Part 1502.9 Draft, final, and supplemental statement

(a) ...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental statements if:

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

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**Forest Service Draft EIS**--The references in this part of the regulations requires Federal agencies to either revise or supplement statements that are inadequate. The Roadless Area Conservation document lacks adequacy, and comments submitted provide significant new circumstances. Therefore, the conclusion of the Forest Service should be to, as a minimum, revise and recirculate the draft.

Part 1502.12 Summary

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement.

**Forest Service Draft EIS**--The document provides a summary that does not accurately summarize the Draft EIS. In fact, the description of alternatives and comparison of alternatives in the summary omits critical information that could lead to a misinterpretation of what the agency is proposing. For example, the summary describes the procedural proposed action as an option for local decision-makers on whether and how to protect roadless characteristics. The Draft EIS adds a sentence stating that local decision-makers could not authorize road construction or reconstruction. The summary gives broad discretion and the Draft EIS takes it away. This is not an accurate reflection of what the Draft EIS proposed action represents. Finally, the comparison of alternatives table in the summary omits many of the factors evaluated in the Draft EIS which appears to support the proposed action.

Part 1502.13 Alternatives including the proposed action.

This section is the heart of the environmental impact statement...it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and public. In this section, agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives...

**Forest Service Draft EIS**--This requirement of NEPA assures that the analysis in the document leads to a clear basis for choice. However, the analysis must be objectively evaluated--which in this case it is not. The document is peppered with numerous subjective, biased, and prejudicial statements.

Part 1502.15 Affected environment.

Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

**Forest Service Draft EIS**--The document contains many verbose descriptions of the affected environment that lack substance and objectivity. More quantitative information would have provided a much less verbose narrative. Another problem is that much of the information included in the effects section of each alternative is merely a continuation of the descriptions in the affected environment.

Part 1502.16 Environmental consequences.

This section forms the scientific and analytic basis for the comparisons...It shall include discussions of:

- (a) Direct effects and their significance
- (b) Indirect effects and their significance
- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies, and controls for the area.

**Forest Service Draft EIS**--Most of the sections in the document lack a quantitative analysis necessary to determine direct and indirect effects and conflicts with State and local land use plans and policies. In fact, there are no references to State and local land use plans or policies. Since the agency failed to consult with local governments, it could not possibly be aware of and analyze these conflicts.

Part 1502.19 Circulation of the environmental impact statement

...the entire statement shall be furnished to:

- (a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State, or local agency authorized to enforce environmental standards.

**Forest Service Draft EIS**--The document was not distributed to local governments, counties, or conservation districts. Instead, copies were placed in County and Municipal Libraries. Unless one had a copy of the Draft EIS, he/she would not be aware of this distribution. Therefore, the agency failed to meet this part of the CEQ Regulations governing NEPA. Local governments, counties, and conservation districts all have special expertise the Forest Service should have used in developing alternatives and conducting the analysis.

Part 1502.21 Incorporation by reference.

No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment.

**Forest Service Draft EIS**--Two factors restrict the ability of local governments, counties, and conservation districts to adequately review the Draft EIS: 1) Over 350 sources of information was referenced (some even in press), and 2) The 60 day time frame to access, review, and comment on the conclusions of these references is unrealistic. The Forest Service must extend the comments period to 180 days to allow local governments adequate time to access and review the incorporated information.

Part 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.

**Forest Service Draft EIS**--The document lacks scientific integrity on the basis that numerous assumptions were made without any scientific foundation. Many assumptions appear to be based on the authors' values and biases.

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PART 1503--COMMENTING

1503.1 Inviting comments.

- (1) Obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

**Forest Service Draft EIS**--The Forest Service did not actively solicit comments from local governments, counties, or conservation districts who have some legal jurisdiction and special expertise. Therefore, it can be concluded that the Forest Service failed to meet the requirements of this part.

PART 1506--OTHER REQUIREMENTS OF NEPA

1506.1 Limitations on actions during NEPA process.

- (a) Until an agency issues a record of decision, no action concerning the proposal shall be taken which would:
  - (2) Limit the choice of reasonable alternatives.
  - (c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:
- (3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.

**Forest Service Draft EIS**--Refer to comments under Part 1502.2, Implementation.

## Summary of Page by Page Review Findings

The following areas represent a summary of deficiencies, inconsistencies, errors, and biases found in a detailed and comprehensive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

### 1. NEPA Deficiencies

A review of the Forest Service Draft EIS indicates numerous deficiencies in meeting the Council on Environmental Quality Regulations (40 CFR 1500-1508) that govern the National Environmental Policy Act (NEPA) process. These deficiencies include:

- A. Lack of interagency cooperation and consultation with local governments
- B. Inadequate specific information on environmental effects
- C. Insufficient range of alternatives
- D. Failure to request participation from local governments
- E. Failure to support assumptions, effects, and conclusions with evidence
- F. Prejudiced selection of the proposed alternative
- G. Biased assumptions and conclusions
- H. Inaccurate summary
- I. Incorporation of material by reference that is not readily available
- J. Lack of scientific integrity
- K. Excess bulk, lack of clarity, and difficult to understand
- L. Failure to circulate the statement to local governments
- M. Taking actions that prejudice selection of alternatives

### 2. Range of Alternatives

There appears to be far less than a full range of alternatives considered in the document. Most prohibition alternatives merely regurgitate what is already required by law, policy, or regulation. For example, alternatives were developed that require project level analysis or forest planning to determine effects when entering roadless areas for any reason. However, these activities are currently required by Forest Service direction, law, or regulation so they represent the "No Action" alternative, rather than, additional alternatives. Therefore, the alternatives developed do not represent a full range as required by CEQ regulations.

### 3. Ecological Factors

The Forest Service did not take into account the ecological and resource use factors (biodiversity, ecoregions, fragmentation, size, open space, roadless recreation, etc.) other agencies contribute through their management, e.g., Bureau of Land Management, National Park Service, Fish and Wildlife Service, etc. Since this analysis is on a national scale, these other agencies need to be taken into account on what they contribute to the numerous ecological and resource use factors.

### 4. Fire

The document references the increased risk of catastrophic fires using Ponderosa Pine forests as examples. The need is identified for fuel reduction, through mechanical and prescribed fire treatments, to reduce risk. The problem is that Ponderosa Pine is a short-fire interval species and does not represent a majority of forested areas across the nation. The question that needs addressing is how to reduce the risk on long-interval fire species, such as, lodgepole pine and spruce. These stands are aging, subject to insect and disease, and contribute to fire risk. Many of the catastrophic fires in the west in recent times (1988 fires in Yellowstone, Montana, Wyoming, and Idaho) did not occur in Ponderosa Pine ecosystems. Treatments using thinning and prescribed fire are NOT feasible for these species. In order to comprehend the magnitude of this problem, the Forest Service needs to display the acres of short-interval fire ecosystems (e.g. Ponderosa Pine) and acres of long-interval fire ecosystems (e.g. Lodgepole Pine, Spruce).

### 5. Vegetative Treatments

Much of the document references the use of fire and mechanical treatments (thinning) for vegetation and ignores or provides arguments against the use of timber harvest. The proposed action alternatives will have many of the same effects.

### 6. Stewardship

The document makes it sound like stewardship is a new and novel idea. From experience, many past timber sales were designed for enhancing other resources, such as, wildlife, range, water production, insect and disease control, etc. A review of past NEPA documents for timber sales would illustrate that they were designed for enhancement of other resource values and objectives. In addition, the stewardship practices proposed for roadless areas are questionable as to their feasibility. References to helicopter logging and mechanical treatments will, in most cases, concentrate the activities in areas where roads currently exist. This is because roads are needed for transportation of mechanical equipment, helicopter logging, etc. Finally, costs of these activities without road access can be prohibitive. The question is "Where does the Forest Service intend to get the funding to carry out these expensive activities in roadless areas?"

### 7. Recreation

The entire recreation section focuses on the supply side of recreational opportunities. No references are made to the demand for roadless areas or the contribution other agencies provide for roadless experiences, e.g., BLM, NPS, FWS, BR, etc. In addition, the recreation section focuses on the need for more unroaded recreation opportunities when the document states that the demand for roaded recreation opportunities are increasing.

### 8. Impacts to Counties

There are numerous impacts that will affect counties. This should identify the need for direct consultation or even cooperating agency status. Many of the identified impacts are not assessed

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on a quantifiable basis and do not address specifics. The proposed rule identifies the type of impact assessment and most impacts are described as a "qualitative discussion" and not "quantitative" analysis. This leaves local officials in the dark about how the proposal will impact their jurisdiction. Impacts will affect counties, municipalities, conservation districts, rural fire departments, water districts, irrigation districts, etc.

### 9. Competency of Local Governments and Public Trust

The Forest Service states that the roadless issue has been "...steeped in controversy..." over the past 20 years and that it is time to put the issue to rest to avoid litigation and appeals. Why, then, does the Forest Service entrust local officials to make decisions on equally complex and controversial issues, such as, oil and gas development, forest plans (in the revised planning regulations), fire management, grazing, timber sales, etc. It appears there is a double standard for what the national office entrusts local officials to decide upon. The document references "collaborative" approaches to National Forest management. Even the proposed Forest Planning Regulations speak repeatedly about "collaborative" approaches. Why isn't collaboration an effective tool in this roadless area evaluation process?

### 10. Risk

The document refers to the risk of implementing many actions. There is an appearance that the risk of catastrophic fire, greater human impact, impacts to communities, etc. is acceptable but the risk of road construction, reconstruction, and timber harvest is not acceptable.

### 11. Transportation

The document does not address impacts to jobs, income, and local economies as a result of prohibiting road construction, reconstruction, and maintenance.

### 12. Confusion of Multiple Efforts

The document, due to representing a national scale effort, multiple substantive and procedural alternatives, and multiple rule making proposals is confusing and difficult to understand. Each of these efforts should be taken in a sequence that simplifies the process. For example, the document identifies the Forest Planning Rule Revision as the umbrella by stating that "...the final planning rule would provide the overarching framework for implementing the final road management rule and the final roadless area conservation rule." If this is the case, then the Forest Planning Rules should be decided upon first. Then a proposal should be released on the "process alternatives" for the Roadless Conservation rule that would address issues and criteria. A final rule would then direct local forests managers to decide on the criteria needed to manage, protect, or preserve certain areas through the forest planning process. Even the Forest Service admits on Page 3-240 that the combination of rules may have a cumulative effect but cannot anticipate what they may be. In the next paragraph on page 3-240, the statement is made that the proposed planning rule does not specify criteria for roadless other than those for wilderness. If this is the case, it would be more prudent to "fix" the planning rule to include this criteria.

### 13. Project Level vs. Forest Level Planning

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Many references are made (as issues and alternatives) that decisions are made at the project level to decide the disposition of roadless areas. This is simply not true. The forest planning process identifies management prescriptions and allocations for roadless areas. Project level plans (NEPA documents) merely implement those decisions made in the Forest Plan. The courts have upheld this Two-Stage Decision-Making policy implemented by the Forest Service. Why is this rule departing from that process and going beyond the precedence supported by the courts?

### 14. "Conservation" of Roadless Areas

The document repeatedly references the "Conservation" of roadless areas. In reality, the discussions in all chapters refers to protection and preservation of roadless areas. The proposal, alternatives, and discussion all lead to the concept of "preservation" and not "conservation." Conservation is more appropriately defined as the "wise use" of resources--not withdrawing them from use. The Summary, Page S-2, defines the importance of roadless areas for watershed and ecosystem health only. The resources in roadless areas must be identified as being important to community health in regard to stability, dependency, jobs, income, payments to states, etc. The proposed action leaves little discretion for management of resources in roadless areas.

### 15. Objectivity and Predecisional

The document appears very subjective and leans toward justifying the proposed action. Even agency actions have shaped this perception through the eighteen month moratorium and statements by the Vice President of the United States. The document strongly focuses (mostly in subjective terms) on the negative aspects of roads and timber harvest. Are there not positive effects of a transportation system and harvesting timber?

### 16. Funding

Many references are made that there is a significant backlog of road maintenance and more roads will further exasperate this. However, other references state that additional funding will be required and allocated to prescribed burning, thinning, mechanical treatments, etc. It appears that the Forest Service is choosing to ignore the need for increases in road maintenance funding and instead make a case that no more roads should be built or reconstructed.

### 17. Affected Environment and Environmental Consequences

Most of the environmental consequences discussions are merely a recitation or continuation of the Affected Environment. This creates a document without much substance on impacts and is considered "verbose" under CEQ Regulation 1502.15. In addition, the discussions are rarely supported by evidence to determine the magnitude of the effects.

## 18. Subjective Evaluations

Much of the environmental uses subjective jargon to describe effects. Words used include: small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc. These subjective evaluations are meaningless and provide no foundation of analysis necessary to make a decision of this magnitude.

## 19. Cumulative Effects

Most Cumulative Effects sections have critical omissions. The cumulative effects of catastrophic fires, insect and disease infestations, growing wildlife populations, increased recreational uses, etc. do not address the impacts to local communities, municipal water, community economies, public services (fire protection), liabilities, etc. Had the Forest Service consulted with local governments during the preparation of this Draft EIS, many of these impacts could have been addressed and disclosed. As it is, there is not enough information for local governments to assess the impacts of the alternatives on their communities. Finally, one of the most ignored cumulative effects relates to the statement that the Forest Service will not replace lost timber volume from other areas on the national forests. Instead, the makeup volume will come from Canadian imports and private ownership. The cumulative effects of this conclusion are not addressed.

## 20. Costs of Implementation

The Draft EIS suggests that little additional funding will be required to implement the Proposed Action. However, many associated costs pertaining to fire suppression, fuel reduction, mitigating impacts, planning, etc. are not sufficiently addressed. In addition, the Forest Service withdrew funding for FY2000 from every national forest to conduct this roadless analysis at the expense of producing local goods and services.

## 21. Misleading, Biased, and Value Based Statements, Assumptions, and Conclusions

The document is full of unsupported statements that mislead the reader into concluding that road construction, reconstruction, and timber harvest are destructive to the national forests. Examples extracted from the document include:

- A. "Roadless areas are better able to respond to natural disturbances" (not supported).
- B. "All three proposed rules seek to provide for long-term environmental sustainability, ensure collaboration with the public..." (collaboration was not used for this proposed rule).
- C. "More than half of the timber harvest volume is expected to be from clearcutting...Clearcutting is an important cause of biodiversity loss." This is misleading and contrary to other statements, such as, "Nationally, clearcutting has decreased from 31% of total harvest acres in 1989 to only 10% in 1997."
- D. "Unroaded areas are viewed as banks for future resource development" (not supported).
- E. "Roadless and other unroaded areas...are still the reservoir for future designated wilderness areas" (not supported).
- F. The section addressing cumulative effects states that roadless areas will be managed "...in

perpetuity unroaded." (Only Congress has the authority to decide on such an action).

## 22. Contradictions

The document is peppered with contradictory statements from one section to another. The following four examples are a small sample of the contradictions that can be found in the document:

- A. "...roadless and other unroaded areas...are still the reservoir for future designated wilderness areas." However, Page 2-17 concludes that the alternative of "Recommend All Inventoried Roadless Areas for Wilderness Designation" was eliminated from further consideration because "Most of the inventoried roadless areas in question have already been evaluated for wilderness in the land management planning process and it was determined for various factors that those areas should not be designated as wilderness."
- B. "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve 50% of National Forest System Lands in roadless character for a relatively small percent of the population that will use them?"
- C. "The benefiting user would build most of the roads prohibited in Alternatives 2-4."
- D. The Draft EIS Summary makes it appear that the Forest Service will allow road construction and reconstruction until Forest Plan revisions are undertaken. The DEIS closes the door for local officials to consider roads as a management option by adding the sentence "...local responsible officials could not authorize the construction or reconstruction of roads..."

## 23. Land Allocations

The document refers to special areas being designated for purposes of preservation, such as, conservation reserves, buffer zones, ecoregions, etc. that have no legal or regulatory standing in management of the national forests. Normally, the Forest Service employs the forest land management planning process to make determinations of land allocation with full public input and disclosure.

## 24. Reduced Timber Harvest Levels

The proposed action will further exasperate the continuing decline of available harvest levels. Many initiatives have been introduced the past decade that have not been disclosed through the NEPA process, such as, Draft Strategic Plan, ecosystem management, Northwest Forest Plan, and the Forest Service Natural Resource Agenda. Now the Roadless Area Conservation proposal is projecting another ten percent reduction in harvest levels. Cumulatively, these actions have resulted an a 50% reduction over the past decade.

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## 25. Mitigation

The only mitigation identified in the Draft EIS is to use Rural Development funding to off-set impacts to affected communities. However, using any form of Rural Development funding to mitigate impacts of the "Proposed Action" would create an inequitable balance among communities. For example, many of these dollars are allocated to communities for proactive rural development projects. Now the Forest Service comes along, makes an unpopular decision that will affect communities, and proposes to take funding from proactive communities to mitigate impacts. This is nothing more than "Stealing from Peter to pay Paul." There is no new money to offset the disclosed and undisclosed impacts from the "Proposed Action". Therefore, communities that are currently using this funding to diversify their economy, attract new businesses, or strengthen their resiliency will find themselves stripped of resources while attempting to be proactive.

## 26. National vs. Local Analysis

The Draft EIS many times references the fact that not enough information is available to assess impacts of the proposed action or alternatives on local communities and forests. This is sufficient reason that this decision must be made at the local level using the forest plan revision process and emphasizing participation of local governments, conservation districts, rural fire departments, and counties. A decision of this magnitude cannot be made at the national level and address all the potential impacts to local communities and national forests.

## 27. Summary Document

The Summary does not represent a true reflection of what is contained in Volume 1 of the Draft EIS. Critical omissions and rogue statements are found in the Summary that do not track with the parent document. For Example:

- A. The description of alternatives in the Summary omits critical information about the discretion local managers will have in deciding on the future disposition of roadless areas.
- B. The statement "No roads or trails would be closed because of these prohibitions" is misleading when reading the Summary. The parent document provides unlimited discussion on why roads should be obliterated and closed.
- C. In the Summary, the importance of roadless areas is defined for watershed and ecosystem health only. The available resources in these areas must be identified as being important to community health in regard to economics, stability, dependency, etc.

## 28. Insults to Classes of People

There are many statements in the document that appear insulting and discriminatory to various classes of people. They include logging and timber related professions, motorized users, and former and retired Forest Service employees. One example is that found on Page 3-169 stating

that "Should people lose the opportunity to engage in motorized recreation, the potential negative effects would include the inability of children to experience nature; increased likelihood that youth will get into trouble because of fewer worthwhile diversions; deterioration of mental health; undermining of economic livelihoods and culture; loss of family traditions and opportunities to experience family togetherness; and lost opportunities for future generations." This makes it sound as though people who engage in motorcycle, snowmobile, off-highway, or any other motorized recreational pastime are mentally and socially unstable as compared to those who prefer to rough it on foot.

It is inconceivable that a Federal agency would make the comments found on Page 3-190, about a class of people in the timber industry. The conclusions that the stakes in life are not a traditional lifestyle, but a route to a middle class lifestyle is preposterous. And drawing the conclusion that if "equivalent jobs were available these individuals would be happy to take advantage of them" is not the purview of the Forest Service. It is no wonder the public looks at government with little trust.

Finally, many inferences are made to past management of the national forests--that roadless areas were considered as "banks" for further development, past management has created many problems, and resources were exploited. Former and retired Forest Service employees had, and have, a commitment to management based on the best information and social demands at the time of their watch. To imply that past management decisions by these people had destructive intentions is an overreaching conclusion.

The question that begs answering is "What does the Forest Service think of other classes of people, such as ranchers, outfitters, business people, and community leaders?"



19301

Sublette County Conservation District  
P.O. Box 36 - Pinedale, WY 82941

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

Dear Forest Service,

We, the Sublette County Conservation District, wish to respond to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

First of all, we, the Sublette County Conservation District, wish to go on the public record as being in opposition to the decisions made by the Executive Branch of the United States Government with regard to the Roadless Areas. This decision is just not acceptable. It flaunts many laws and we feel that our Government should obey its laws and not openly defy, deface and ignore them. You should be a good example not a perpetrator.

We would like to address the fact that **NO** local meetings were held in Pinedale, Wyoming with regard to the roadless area issues. *The Pinedale Ranger District office for the Bridger-Teton National Forest is located in Pinedale.* The roadless issues were not addressed on a local level in the form of public notice or meeting, thus, eliminating any opportunity for local citizens to have input in the federal process. Thousands of acres will be removed from public access due to the roadless initiative in the Pinedale area and no effort by the local forest service office was made to inform the public of this process. It is interesting to note that meetings were held in the surrounding districts, Big Piney and Marbleton, to address the above mentioned issues but **not** in Pinedale. We did hold a public meeting on road closings on January 12, 1995, and the results were just like those held in Riverton and Dubois, Wyoming: "No Road Closures". The Forest Service paid no attention to these results and in fact the Forest Service in the local newspaper misused the information.

It is interesting to note that the Forest Service has a budget designated for the destruction of existing roads or funding to block or close roads but does not have the funding to maintain existing roads located in non-roadless areas of the national forest. Presently many of the roads existing on the local forest are not maintained, have suffered damage due to erosion or lack of repair and are in poor shape. Large numbers of citizens wanting to access their public lands utilizes some of these roads. If these roads are not maintained the public will be denied even further access to their public lands.

The effects upon the local economies of the surrounding communities were not addressed, possibly due to the lack of the local Forest Service District Ranger neglecting to hold any public meetings. Consideration was not made with regard to how closing more of the national forest to public access would effect the livelihood of local citizens. Several businesses and individuals in the surrounding communities depend entirely or partially upon access to federal lands for their livelihood. By limiting access to roadless areas, activities such as woodcutting, sight seeing, timber harvesting and mineral exploration are drastically reduced and directly effect local citizens.

Management of Forest Service lands is accomplished with little or no regard to multiple-use policies. Multiple-use on forestlands should be the main emphasis of management plans taking into consideration local citizen input. Citizens should have access to their public lands independent of their health or physical condition, interests, etc. By excluding roadless areas to the construction of new roads a portion of the



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Sublette County Conservation District  
P.O. Box 36 - Pinedale, WY 82941

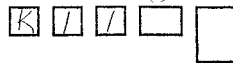
population is being denied access to their public lands, as they are not physically able to walk or hike great distances into specific areas. What kind of pressure will be put on the remaining so-called roaded areas?

In conclusion we hope it is obvious that what you are trying to do is just not right and this whole mess should be withdrawn and discarded. Whoever thought RARE II would be resurrected. Forest Management should be based on multiple use and its sound principles, not by the whims of a few politicians or preservationists. Renewable natural resources and of course our founding documents are responsible for this great nation and you are flaunting both of them.

Thank you.

Sincerely,

Daniel Walker, Chairman  
Sublette County Conservation District



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# Uinta County Commissioners

July 17, 2000

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

Dear Project Team Leader:

The County Commissioners of Uinta County, Wyoming, are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Senator Mike Enzi recently reported, "The U. S. Forest Service's proposed roadless rule was developed without meeting Federal Advisory Committee Act (FACA) requirements." Enzi further stated, "Instead, the Forest Service developed this rule in meetings with a small, insular group that represented only one limited interest." We agree with Enzi's comments, in that the Draft Environmental Impact Statement (DEIS) appears to be biased and predecisional supporting only the selection of the preferred alternative and the proposed action.

On February 12, 1999, the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest system. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses, all of which are vital to the daily life, economic well being and operation of Uinta County.

The Document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing objective analysis of all alternatives, issues, and effects. Again, we agree with Senator Enzi's claim that the agency violated the National Environmental Policy Act (NEPA), and we point out the lack of an appropriate amount of time for environmental-impact review, as required by law, as well as an inappropriate amount of time for public review, comment, and consideration of impacts.

The Draft EIS does not adequately address the impacts on Counties and local governments. The analysis only provides a "quantitative" evaluation of agency costs, timber, and road construction and reconstruction. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship, timber harvest, catastrophic fire, ecological factors,

*W. Robert Hubbard*  
Chairman  
*Greg B. Welling*  
Commissioner  
*Leonard E. Hyeck*  
Commissioner

wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on the significant lack of information that is necessary to adequately analyze and disclose effects.

The Document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas. Is the Forest Service willing to accept the risk of catastrophic fire and the resulting adverse effects which can be more destructive than planned management activities? The Agency considers the risk of road construction and timber harvest to be unacceptable. This makes absolutely no sense when considering continued Multiple Use of the National Forest, as provided for in the Multiple Use and Sustained Yield Act.

It is absolutely necessary to have open and continued access to the National Forests for fire control and prevention, weed control, and general public health, safety, and welfare. The document prevents almost all timber harvest, most economic forest insect and disease control, restricting fire protection activities and forest health efforts, grazing, developed recreation and even dispersed recreation, most of which takes place in proximity to roads.

There is a disturbing and pervasive bias in the Agency's analysis in favor of the preferred alternative. For example, although claims of recreational benefit are made for the massive roadless designation proposed, no data appear on the current recreational use of wilderness and current roadless areas-especially compared with roaded portions of the National Forest. A number of studies exist which show that most recreation, including dispersed recreation, takes place in proximity to roads. Yet, there is no mention of such data in the Draft EIS. Driving for pleasure is a major recreation use on the National Forests. The country's aging population, minorities and the disabled rely heavily on road-based recreation, but the Draft EIS is quiet on the potential effects on public use of transferring 43 million acres of the nation's public forest land to a permanent roadless classification. Have there been Civil Rights violations in the DEIS?

The DEIS violates the Forest and Rangelands Renewable Resources Planning Act and its supporting regulations. In addition to the items mentioned earlier, Section 6 (a) of the Act requires that the Agency coordinate revisions of land and resource management plans with the land and resource management planning process of State and LOCAL governments. This has NOT been done. Additionally, 36 CFR 219.7 (d) requires the agency to meet with representatives of LOCAL governments "at the beginning of the planning process to develop procedures for coordination." Here again, the Agency has been neglectful. (Emphasis added)

We conclude that the lack of a reasonable range of alternatives, the lack of adequate supporting data for each roadless area, defiance of legal requisites, and the apparent bias against a full display of the economic and social impacts of a massive roadless designation, stem from the Agency's totally inappropriate reliance on a narrow spectrum of special interest groups in proposing and formulating the rule. The result is an unbalanced proposal with misleading and inadequate analysis that fails to meet legal requirements.

Uinta County 205 North First Laramie, Wyoming 82001 307-783-0579 307-783-0578 fax

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

JUL-17-00 02:00 PM HENRY

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P. 04 17291

WASHAKIE COUNTY COMMISSIONERS

16185

Courthouse  
P.O. Box 260  
WORLD, WYOMING 82401

ALICE LASS, Chairman  
WILLIAM "BILL" GLANZ, Member  
VALE "JOHN" DENT, Member

Phone (307) 347-6491  
Fax Phone (307) 347-9366

K 3 1 5

The Board of Uinta County Commissioners strongly urges the Agency to reconsider both the size and scope of the proposal. The alternatives in the DEIS violate existing statutes and regulations regarding management of the National Forests. Withdraw the proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local Forest Service personnel through normal land management planning processes. Then, local governments can play an active role as participants in the process

Thank you for the opportunity to comment on this issue of such importance to the counties and local governments of the United States.

Sincerely,

*W. Robert Stoddard*  
W. Robert Stoddard, Chairman  
Uinta County Commission

cc: Senator Mike Enzi  
Senator Craig Thomas  
Congresswoman Barbara Cubin

July 11, 2000

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

CAET RECEIVED  
JUL 17 2000

Dear Forest Service:

The Washakie County Commissioners have conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States. We have been involved with this process from the beginning, including public testimony.

The process has been flawed from the beginning. And now the Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgments on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence in provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

CHIEF WASHAKIE

16185

2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." Our review has revealed that much of the Draft EIS is woefully inadequate and meaningful analysis is not possible.

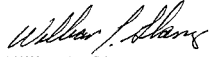
If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

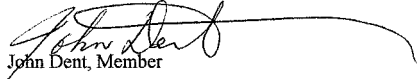
Sincerely,



Alice Lass, Chairman  
Washakie County Commissioners



William L. Glanz, Member



John Dent, Member

The Washakie County Board of Commissioners attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.



15902

D L L I L F

*Wyoming County Commissioners Association*

Post Office Box 86  
409 W. 24th St.  
Cheyenne, Wyoming 82003  
(307) 632-5409  
Fax (307) 632-6533

TOM SATTERFIELD, President  
R. TRACY RHODES, Vice President  
JACK KNUDSON, Treasurer  
JOSEPH M. EVANS, Executive Director

July 13, 2000

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

**PAET RECEIVED**

JUL 14 2000

Dear Forest Service,

The Wyoming County Commissioners' Association Commissioners (WCCA) has conducted an exhaustive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. Our review uncovered many disturbing findings and indicates a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Specific information and evidence in provided in the attached review.

Based on our review, the Forest Service has only two courses of action. We request that you:

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.
2. If you choose NOT to withdraw the Proposed Rule and Draft EIS, the Forest Service as a minimum, must significantly revise the Draft EIS to account for the inadequacies found and distribute it for public comment. CEQ Regulation 1502.9 states that "...if a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and

Roadless Areas Proposed Rule  
Page two

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If you choose not to pursue either of the above courses of action, you must extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60 day comment period.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on the Roadless Area Conservation issue at the local level in the spirit of "collaboration" you so often talk about.

Sincerely,

Tom Satterfield, WCCA President  
County Commissioner  
Fremont County, Wyoming

Enclosures:

cc: Art Reese, Director; Wyoming Federal Lands Policy Office  
Senator Craig Thomas, Wyoming  
Senator Michael Enzi, Wyoming  
Congresswoman Barbara Cubin, Wyoming  
Jeff Arnold, Legislative Director, National Association of Counties (NACo)  
Mike Dombeck, Chief USDA Forest Service

The Wyoming County Commissioners Association attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.

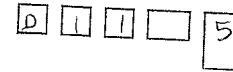


15903

Wyoming Association of Conservation Districts  
2304 East 13th - Cheyenne, WY 82001 - Phone: (307) 632-5716 - FAX: (307) 638-4099

Certified Return Receipt Requested

July 12, 2000



CAET RECEIVED  
JUL 17 2000

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

Dear Sir/Madam:

Below are the comments of the Wyoming Association of Conservation Districts, a nonprofit organization, representing Wyoming's 34 local Conservation Districts. Pursuant to W.S. 11-16-101 et. seq., local conservation district are responsible for enhancing and maintaining natural resources. WACD represents 170 elected officials who are responsible for providing leadership for natural resource conservation programs and issues in the state of Wyoming.

**GENERAL COMMENTS:**

1. WACD request that the DEIS be withdrawn until the litigation of Wyoming Association of Conservation Districts, et. al. vs. Environmental Protection Agency, et. al. is decided. This Roadless Initiative is yet another of the 111 key actions contained in the plan. The DEIS is nothing more than a feeble attempt to comply with National Environmental Policy Act. The alternative has been selected for some time. This is apparent in both language contained in the Clean Water Action Plan (pg. 34-35) and statements issued by the Administration. In addition, this is one of the items listed on the Administrations CWAP web site under "What's New". This solidifies that this is an action contained in the CWAP.

2. In the absence of withdrawal of the DEIS, WACD is formally requesting an extension to the comment period for the DEIS of 5 months. The Forest Service Roadless Area Conservation Draft Environmental Impact Statement was issued on May 11, 2000. The documents are in excess of 700 pages. With a comment deadline of July 17, this provides the local governments a mere 67 days to read and comprehensively review this document that will affect virtually all citizens within local communities in and around Forests. This is unacceptable.

**CHAPTER 1--PURPOSE OF AND NEED FOR ACTION**

**COMMENTS ON CHAPTER 1**

**Introduction**

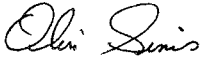
1. **Comment: Page 1-1, 1st paragraph--** The introductory paragraph makes it sound as though inventoried roadless areas on National Forest System lands are the only areas in the United States

CONSERVATION - DEVELOPMENT - SELF-GOVERNMENT

Relief: The only option open is for the Forest Service to withdraw this proposal and start over. They must insure that legal and appropriate consultation and coordination with local governments takes place.

Again, WACD would strongly reiterate its position that the DEIS on the Roadless Initiative be withdrawn.

Sincerely,



Olin Sims  
President

Cc: Wyoming's Conservation Districts  
Senator Craig Thomas, Wyoming  
Senator Michael Enzi, Wyoming  
Congresswoman Barbara Cubin, Wyoming  
Governor Jim Geringer, Wyoming  
Ernie Shea, Chief Executive Officer National Association of Conservation Districts  
Ron Micheli, Director Wyoming Department of Agriculture  
Mike Dombeck, Chief USDA Forest Service

The Wyoming Association of Conservation Districts attached a review of the DEIS which it shared with Lincoln County, Montana. The text of that summary is included in this volume under the Lincoln County entry.





TOWN OF HULETT

BOX 278, HULETT, WYOMING 82720  
TEL (307) 467-5771 • FAX (307) 467-5442  
INTERNET ADDRESS: toh@trib.com

13963

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FACT RECEIVED

JUN 17 2000

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

0 4 1 5

Dear Planners:

The proposed roadless areas rule is bad for Hulett, bad for Wyoming, bad for the nation. Instead of being based on good science and exhaustively complete research and resources, the proposal simply builds on hand-picked studies that support the perceived need for "national level direction" on roadless areas.

Hulett has a vested interest in keeping the fire danger in surrounding areas to a minimum. The proposed rule would increase fire danger to land, property and people in Hulett's area of jurisdiction by making it more difficult for the Forest Service and local fire department personnel and equipment to access "roadless" portions of the Forest. The fewer passable roads, the harder it will be for firefighters to bring wildfires under control, and the threat to the surrounding area will be significantly heightened. Also, since active management through timber harvest and thinning will be decreased, fuel loads will build to dangerous levels, increasing the fire risk in those hard-to-access areas. In this way, the proposed rule will have a very real adverse economic and social impact to Hulett.

Hulett is a resource-dependent community. It depends heavily upon timbering, ranching and recreation on the nearby Black Hills National Forest. The "unroading" of existing roaded areas and the inability to construct new roads on the Forest will have a direct adverse impact on the historic economic and cultural uses of our national forest land. The continued multiple use of the Black Hills National Forest will not be possible.

We are highly offended by the characterization of individuals employed in the timber industry. The assertion that a timber-dependent community lacks long-term economic stability, and that the tourism promoted by protection of roadless areas can provide "more stability" is wholly unsubstantiated and undocumented. There was no specific evidence provided in the DEIS that additional economic benefit and stability will result for communities like Hulett as a result of "the protection of roadless areas". In fact, if traditional uses of the Forest decrease because of decreased access, it stands to reason that, over time, tourism in the area may even decrease. Tourism's benefits will be a mute point anyway if Hulett no longer exists due to the cumulative economic and social impacts of the roadless plan and the other federal directives that are presently proposed.

We strongly recommend that the Forest Service throw out its current proposal. We are in strong opposition of the proposed plan, the unsubstantiated claims that it makes, and the way it evolved.

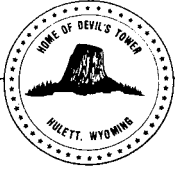
Sincerely,

*John McPartland Mayor* John McPartland/Mayor

*Brian Kennah* - Brian Kennah/Council

*Mary Flanderka* Mary Flanderka/Council

*Vivian Odell* Vivian Odell/Council



# TOWN OF HULETT

13963

BOX 278, HULETT, WYOMING 82720  
TEL (307) 467-5771 • FAX (307) 467-5442  
INTERNET ADDRESS: toh@trib.com

## Resolution Roadless Initiative

WHEREAS, the Hulett Town Council would like to make a statement in reference to the Forest Service roadless initiative and:

WHEREAS, our small town has thrived on the harvesting of timber and our loggers have done an exceptional job managing their logging and:

WHEREAS, our fire department has been called to many fires caused by lightning and have utilized the roads built by the loggers without such, the forest could have been consumed by the fire.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY THAT WE strongly recommend that the Forest Service throw out its current proposal for the good our economic future and the general public. We oppose the current plan.

This Resolution was adopted this 11 day of July 2000

Mayor John McPartland John McPartland  
 Councilwoman Mary Flanderka Mary Flanderka  
 Councilman Brian Kennah Brian Kennah  
 Councilwoman Vivian Odell Vivian Ann Odell