

Meeting Summary
Roadless Area Conservation National Advisory Committee
July 30-31, 2008
U. S. Forest Service Yates Building, Washington, DC

Participants

Committee Members Present:

- Darin Bird – Utah Department of Natural Resources
- Adena Cook – Blue Ribbon Coalition
- Robert Cope – County Commissioner Lemhi ID
- Jeff Eisenberg – National Cattlemen’s Beef Association
- Dale Harris, RACNAC Co-Chair – Montana Wilderness Association
- Geraldine Link – National Ski Areas Association
- Jim Riley – Intermountain Forest Association
- Greg Schaefer, RACNAC Co-Chair – National Mining Association and Arch Coal
- Chris Wood – Trout Unlimited

Committee Members Absent:

- Paul Hansen – The Nature Conservancy
- Todd Schulke – Center for Biological Diversity
- Denny Scott – Carpenters Union
- Ray Vaughan – WildLaw

U.S. Forest Service

- Rick Cables, Regional Forester, Region 2, USFS
- Richard Cook, DFO, Deputy Director EMC, USFS
- Tony Dixon, Deputy Regional Forester, Region 2, USFS
- Sharon Friedman, Planning Director, USFS
- Kathy Kurtz, Colorado Roadless Rule Team Leader, USFS
- Abigail Kimbell, Chief, USFS
- Tom Millet, Assistant General Counsel, Natural Resources Division, USFS
- Gina Owens, Planning Specialist, USFS
- Mark Rey, Under Secretary, NRE
- Bill Supulski, Roadless Area Conservation Coordinator, USFS

Colorado

- Mike King, Deputy Director, Colorado Department of Natural Resources
- Harris Sherman, Executive Director, Colorado Department of Natural Resources

Facilitators:

- Kathleen Rutherford, Meridian Institute
- Janet Thomson, Kearns & West

Committee Agreements

Future Discussions Regarding USFS and State of Colorado Rulemaking:

The RACNAC will convene a conference call soon to brief RACNAC members not in attendance at the meeting on the issues discussed and noted for future deliberation. After that conference call, the RACNAC will schedule the next in-person Committee meeting (to be held

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prior to expiration of public comment period on proposed Colorado Roadless Rule on October 23, 2008). The RACNAC also expects to hold subcommittee meetings on the three topics identified for discussion by the State of Colorado and USFS, namely the exceptions for utility and water conveyances and grazing, road building for forest health treatments in Wildlife/Urban Interfaces (WUIs), and the relationship between forest plans and the Colorado Roadless Rule.

Additional Meeting Highlights

Welcoming Remarks and Introductions:

Dale Harris, RACNAC Co-Chair, welcomed the Committee. Kathleen Rutherford, Meridian Institute, reviewed the ground rules and agenda. Chief Kimbell welcomed the RACNAC and thanked the group for deliberating on the proposed Colorado roadless rule.

Presentation from the State of Colorado:

Harris Sherman, Executive Director of the Colorado Department of Natural Resources, reminded the RACNAC that the proposed Colorado roadless rule evolved over a three-year period, starting with a bipartisan task force in 2005 and including thousands of public comments. The proposed Colorado roadless rule is intended to provide flexibility in management, particularly to address the risk of wildland fires. Sherman noted that Colorado is working to address the issue of “gap leases,” the 57,000 acres of land that were to be protected as roadless areas but had been issued oil and gas leases without “no surface occupancy” stipulations in the time between injunctions of roadless rules. While there are no proposals to build roads on these lands, under the proposed Colorado roadless rule those lands could be subject to road construction. Tom Millet, Assistant General Counsel for the USFS, clarified that during the timeframe in which the oil and gas leases were issued, the leases were valid according to the law of the land.

Kathy Kurtz, Team Leader for the Colorado Roadless Rule, explained the overall process for Colorado roadless rule development. The proposed rule was published on July 25th in the Federal Register. The Draft Environmental Impact Statement (DEIS) should be published on August 1. There is a 90-day public comment period for the proposed rule which will end on October 23, 2008, which will also be the ending date for the comment period on the DEIS. The USFS expects to publish the final EIS in early 2009 and the final Colorado roadless rule 30 days afterwards.

Mike King, Deputy Director of the Colorado Department of Natural Resources, noted that 40,000 pieces of written information were submitted to the State during the Colorado Roadless Task Force process, with the majority of comments supporting protection of roadless areas. The Task Force used the 2001 Roadless Area Conservation Rule as the basis for its petition, with the addition of several narrowly tailored exceptions to fit specific interests in Colorado (the North Fork coal areas, ski areas, water and utility conveyances, and grazing). For road development, the Task Force created an analysis framework to determine whether a proposed activity can be achieved without the construction of a road. If it cannot be done without a road, the use of a temporary road rather than permanent road must be considered. The intention of the state in creating a “long-term temporary road” category was to ensure that roads are built to standards and properly restored at the end of their intended use.

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Sharon Friedman, Planning Director for Region 2, provided an overview of the distinctions between roadless areas in Idaho and in Colorado. There are significantly more people per acre in Colorado, many of whom live in the forest. The ski industry in Colorado is a significant business and many of the ski areas are adjacent to roadless areas. There is a severe problem with mountain pine beetles in Colorado, primarily affecting Grand, Summit, and Eagle counties. Logging is not as significant an industry in Colorado as it is in Idaho. Colorado has coal, oil, and gas production while these industries do not exist in roadless areas in Idaho.

Kathy Kurtz reviewed the Colorado roadless area boundaries, noting that the 2001 Roadless Rule, which included both roadless areas and wilderness areas, contained 4.4 million acres. USFS removed the wilderness acres from the Colorado Roadless Area (CRA) inventory because those lands are treated separately under legislation. The USFS removed both ski area and substantially altered lands from the CRA inventory and conducted a GIS update to refine the maps and acreages in the inventory. The proposed Colorado roadless rule contains a total of slightly over 4 million acres. For ski area management, the state will be offered cooperating agency status for any projects that occur on those acres even though they are outside the Colorado roadless rule.

The Colorado roadless rule does not affect the status or use of existing roads or trails, as those are being handled through the travel management planning process. Where a temporary road is allowed under this rule, use is prohibited for anything other than the purpose for which the road was developed. The rule does not affect access to grazing or valid existing rights. There is no clarification in the rule about whether an expired grazing permit will be reissued or not; the state wishes to remain neutral on that issue. In the proposed rule, new oil and gas leases can be issued but no roads can be developed in association with the leases.

Regarding NEPA analysis related to aspects of the rule, if a project is proposed in a Community Wildfire Protection Plan (CWPP) or WUI, NEPA analysis must be conducted for that project. Any activity that takes place in Colorado forests is subject to the appropriate level of NEPA review. The only additional stipulation under the proposed rule is that an EIS must be developed in order to construct a permanent road. The state and USFS will attempt to clarify what, if any standards, are prescribed for NEPA analysis for temporary road development.

The proposed rule contains an analysis framework and requirements for road construction. The rule is set up very much like the 2001 rule, with the same basic exceptions for valid and existing rights and specific emergency needs. The difference in the Colorado rule is the provision for temporary and long-term temporary roads for certain uses. Long-term temporary roads are only applicable to oil, gas, and coal roads that might be needed for 10-30 years and must be on the USFS system for consistent monitoring. Resource and community protection needs are also considered in the analysis framework. All temporary and long-term temporary roads must be decommissioned after use, with fairly detailed decommissioning requirements. Long-term temporary roads must be monitored regularly. There are tables included in the Draft Environmental Impact Statement (DEIS) for the proposed rule that indicate the estimated number of miles of roads that might be developed under the proposed rule.

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Any road developed for forest health treatments must be a temporary road and it must be constructed in a CWPP or WUI. Temporary road construction associated with coal mining on existing and future leases in the North Fork coal mining area (about 29,000 acres) is permitted under the proposed rule. Both temporary and permanent roads may be constructed for grazing, water conveyances, and utilities.

The exceptions for tree cutting in the proposed rule are largely similar to those in the 2001 Roadless Rule. However, the State wanted to provide the opportunity to reduce the hazard of wildfire effects or large-scale insect or disease outbreaks within CWPP or WUI areas. All projects must consider the effects to roadless area characteristics in their design.

The proposed rule contains an additional exception regarding oil and gas pipelines. If the pipelines originate outside a CRA and must go through CRA lands, those would be prohibited. Additionally, infrastructure for methane capture related to the North Fork coal mines must be located within road rights-of-way or within areas of disturbance for methane venting wells.

Kathy Kurtz noted that the development of an EIS for the proposed rule has been difficult because no specific projects are proposed. Some specific aspects of the rule are discussed, such as exceptions like mining and oil and gas extraction. USFS asked individual forests to project how many miles of roads might be developed and how many acres of timber might be cut over the next fifteen years under the proposed rule, which provided the basis for the analysis. The analysis considers the no action alternative (the 2001 Roadless Areas Conservation Rule), the proposed action (the proposed Colorado roadless rule), and management according to existing forest plans.

Issues Identified by USFS and the State of Colorado that Warrant RACNAC Review:

Mike King noted that the State would like assistance from the RACNAC on three specific issues. In all cases, the State is trying to remain consistent with the intentions of the Colorado Roadless Areas Review Task Force.

1. Exceptions: The Task Force felt that the demand and cost for pursuing these exceptions would be self-limiting for utility and water conveyances and grazing. The Task Force did not intend for CRAs to be criss-crossed with roads for grazing, but the way the rule is written there are not sufficient constraints on road construction. To the extent to which the RACNAC can develop reasonable constraints that are consistent with what the Task Force intended, that would be helpful.
2. Forest health treatments in WUIs. The intent of the Task Force was to provide somewhat more flexibility available than what is described in the hard sideboards of WUIs. If the RACNAC can look at sideboards that provide that level of flexibility but do not leave the exceptions too open-ended, that would be useful.
3. Relationship between forest plans and the Colorado roadless rule. The Task Force intended to allow for exceptions, but not mandate them. For instance, having site-specific

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prohibitions that would preclude grazing roads if they went through crucial habitat. The RACNAC has raised some technical issues that must be worked out collectively.

Rick Cables, Regional Forester for Region 2, added that any advice that can be provided by the RACNAC on the gap leases would be useful to the USFS. However, this issue may be difficult since it is technical/legal in nature.

Mike King requested that the RACNAC submit its advice within the 90-day timeline for public comment on the proposed Colorado roadless rule.

Identification of Issues for Further Deliberation:

The RACNAC identified the following issues in the proposed Colorado roadless rule that require further RACNAC discussion:

1. Clarify the relationship between forest plans and the Colorado roadless rule
2. Clarify the treatment of ski areas, specifically considering whether Wolf Creek should be removed from the CRA inventory conditioned on Wolf Creek being allocated for ski area use in the San Juan Forest Plan currently under revision; consider whether consistent treatment of ski areas should occur under the proposed Colorado roadless rule
3. Road use:
 - a. Clarify the suite of roads definitions
 - b. Address whether there should be a NEPA standard for long-term temporary roads (the proposed rule creates a NEPA standard for permanent road development; should the same exist for temporary roads?)
 - c. Clarify that the State does not seek to change the NEPA standard for all levels of roads
4. Clarify that cooperative status is available to county commissioners as provided by NEPA
5. Further clarify and discuss the exceptions, considering whether they should be more narrowly tailored:
 - a. Grazing
 - b. Water and utility conveyances (need to understand potential scope and scale, and potentially consider constraints if the exception is open-ended)
 - c. Road building for forest health treatments in WUIs (check into consistency of process used to create CWPPs; explore how open-ended this exception is)
 - d. Coal (discuss the addition of the term “exploration” in the proposed rule, consider adding more descriptive text in the preamble to the rule)
 - e. Ski areas (consider a level of review to assess fish and wildlife habitat prior to withdrawing areas from CRAs; review the level of analysis included in the DEIS)
6. Clarify how areas were removed or added from the CRA inventory (what were the standards/methods used?)
7. Consider the definition of roadless area characteristics, since the current definition is not actionable

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8. Review the change clause in section 294.37 and consider whether 30 day public comment is sufficient; define what constitutes a significant change; consider whether significant changes would be subject to an APA rulemaking or further NEPA analysis
9. Pending legal clarification, the state and USFS may request RACNAC assistance on the issue of oil and gas gap leases

Next Steps:

The RACNAC co-chairs will convene a conference call among the RACNAC members to brief those not at this meeting on the issues and determine an appropriate time to hold a subsequent in-person meeting. The RACNAC will convene three subcommittees between now and the next in-person committee meeting to address the exceptions for utility and water conveyances and grazing, the relationship between forest plans and the Colorado roadless rule, and treatment of WUIs and CWPPs. The Committee may expect to meet again before October 23, 2008 to discuss the proposed Colorado roadless rule and Draft Environmental Impact Statement.

Public Comment:

The following oral public comment was offered to the Committee regarding the proposed Colorado roadless rule:

- Doug Young (District Policy Director for Congressman Mark Udall). I was a member of the Colorado Roadless Task Force and I want to share some thoughts about the intent of the Task Force. The Task Force was trying to err on the side of providing the most protection for roadless areas while accommodating those uses provided for in the exceptions to the rule. We thought that the 2001 Roadless Area Conservation Rule was great but also ambiguous in some areas so we wanted to use that as a basis and make refinements and provide for legitimate uses. We understood that Colorado needs to develop coal, and the reality was that leases had already been issued. We wanted to make sure that the coal was accessible and venting methane could be allowed so we exempted those areas from the roadless inventory. We had anticipated that the coal in the North Fork area would be developed, which is why the clause regarding “exploration” in the proposed Colorado roadless rule is not different from the intent of the Task Force. Regarding hazardous fuels treatment, the Task Force was enormously concerned about providing protection for Colorado communities and we wanted to provide tools for treatment. The intent of the Task Force was to capture the ideas in the Healthy Forests Restoration Act (HFRA), which is why you see references to CWPPs and WUIs. The Task Force felt that if there is a need to build a temporary road to provide for treatment, that should be provided for in the rule. While the footprint of CWPPs can be large, those CWPPs were developed in an open process with public involvement and we felt there was a level of accountability there. Lastly, regarding consistency of forest plans and the Colorado roadless rule, I think the Task Force wanted to create a rule that would be a ceiling and provide clear distinction about where and why roads would be allowed. The intention was to give USFS discretion to factor in other rules, laws, and realities on the ground.

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- Melanie Mills (Colorado Ski Country USA). The Colorado Roadless Task Force was a comprehensive process that took a lot of input, had vigorous discussions, and the vast majority of recommendations made to Governor Owens were unanimous in nature. USFS and Colorado DNR have put together a balanced rule that largely reflects the intention of the Task Force. Regarding the ski areas, the Task Force created three categories of ski areas lands that would be excluded from CRAs, comprising about 10,000 acres in total: those located within ski area boundaries, those allocated to a ski area management theme by existing forest plans, and those allocated to ski area management themes currently in the forest plan revision process. There are three ski areas in Colorado that are currently under forest plan revision; those lands were intended to be removed from the inventory if the revised forest plan allocates those lands for future ski area expansion. The Wolf Creek ski area was one of those three parcels, yet it has not been slated for removal from the inventory as have the other two parcels. I would like to ask that Wolf Creek area be included in the land removed from CRAs if the final outcome of the forest management process allocate it for ski area development. As another clarification, the proposed Colorado rule renames Inventoried Roadless Areas (IRAs) as Colorado Roadless Areas. However, other federal statutes and regulations refer to IRAs. Will that cause inconsistencies regarding specific NEPA procedures for IRAs or other regulations? This should be clarified.
- Dave Peterson (Trout Unlimited). My aim is to preserve the habitat that good hunting and fishing relies on. I participated in the Colorado Roadless Task Force and I am not a fan of the process. We worked very hard but at the end there were so many needs that were accommodated that we went past the original aim of preserving roadless area characteristics. I can't support where we ended up. Another Task Force member stated that he thinks so much changed in the proposed Colorado roadless rule since the Task Force recommendations, especially regarding energy development, that the final recommendations are seriously flawed. Regarding hazardous fuels treatment, we all wanted to provide protection, but the proposed rule goes overboard in providing for treatment in all CWPPs when those plans in some cases cover entire counties. The potential is there to do treatments 50 miles into a roadless area and build roads to get there. There should be more controls and restrictions; the proposed rule is overly permissive. Regarding ski areas, I think we need to take another look to see if those areas already have compromised roadless characteristics or whether they still need protecting. Burnt Creek is an example of an area that the Department of Wildlife is terrified of losing because it is critical elk wintering habitat. We should look at these areas one more time to ensure that we're not forgetting the end goal of saving as much roadless land as possible.
- Rob Vandermark (Pew Environment Group). I have been looking into the gap lease issue. According to the Bureau of Land Management (BLM), the state of Colorado has more oil and gas leases than any other state. In Colorado, 3.4 million acres are already leased on public lands. Over 6300 joint permits were leased between 1999 and last year, and 71% of those lands have not yet been put into production. According to this petition,

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many of those areas would be allowed to go forward with development. This is especially concerning since the rapid pace of leasing in roadless areas is expected to continue. I encourage the RACNAC to take a close look at the language of the proposed rule as this group did for the Idaho petition. Colorado deserves the same consideration because the rule has potentially long-term effects on our public lands. The timeframe is very tight for decision-making and I think trying to resolve this in the next 3-4 months would be very rushed and will not allow for thorough consideration. I looked over the proposed rule and it is not clear how many acres, if any at all, would be 100% protected. I did a quick analysis based on errata 4 and 5, and it looks as though about 1 million acres will retain the same protections as under the 2001 Roadless Rule but the other 3 million acres may not receive permanent protection because the exceptions in the rule are so broad.

- Penelope Purdy (Author of “Hiking Colorado’s Roadless Trails”). The proposed rule does not match up with what people thought they were getting. People thought we were going to get solid protections for roadless areas, and not have such broad exceptions. The rule does not tell us how many acres are protected or set a limit for development. For example, South Willow Creek in Summit County was previously ranch land between town and forests, and now with the explosion of subdivisions the popular trailhead there is in the middle of a subdivision. In Battlement Mesa a gap lease was issued; at the base of the mesa the landscape has been lacerated by roads, pipelines, and drill rigs, and the only place for wildlife to go is up on the mesa. The government should have stipulated that there be no surface occupancy on the mesa, and now there is no protection for wildlife. Regarding roads, in Colorado alone there is a \$68 million shortfall in the budget just to maintain existing roads. When they attempt to close roads they are used anyway and there is no law enforcement to deal with the problem. Roads should be obliterated.

- Heather Tischbein (Western Colorado Congress). My organization has over 3000 members and has been a voice for 25 years for our communities and treasured natural heritages. We have a huge, lasting stake in this rulemaking. One of our members recently wrote that the recently released proposed Colorado roadless rule weakens, not strengthens, protections for roadless areas. For our wildlife, watershed, recreation, and economic well-being it is important to strengthen these protections. The proposed rule allows hundreds of new gas wells, roads, and pipelines in the heart of Colorado’s national forests, in spite of the fact that it will do nothing to lower gas prices. The new rule is an attempt by the Bush administration to give away public lands to industry without adequate public review and comment, contrary to the wishes of many in Colorado. The Western Colorado Congress will be submitting additional testimony. I want to note that Gifford Pinchot envisioned a public lands system where conservation of natural resources would be practiced for the greatest good for the greatest number for the longest time. The charge of the RACNAC should be not to just protect current IRAs but also provide protection for our children and future generations.

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- Steve Kendell (Trout Unlimited). I understand the importance of striking a balance between protection of Colorado roadless areas and responsible energy development. We need to help figure out how to strike that balance. I would like to see some work on this rule to try to adopt some practices from the 2001 Roadless Rule to manage oil and gas more appropriately. We would like to see “no surface occupancy” stipulations in leases. Also, we need to address the gap lease issue and see what type of legal opportunities there are for returning those so we can preserve these areas for future generations.
- Anya Byers (Colorado Mountain Club). We believe that Colorado should have the same protections for our national forests as those afforded to other states. Beyond our membership, the state benefits enormously from the recreation and tourism economy that these roadless lands support. We are concerned about the expedited nature of the rulemaking and the limited public hearings scheduled. There are only eight meetings scheduled, and all will occur in August (the most popular vacation time). We are also concerned about the open house format that stifles the public voicing of comments. We ask that the RACNAC direct the USFS to add additional public hearings and provide a public process that allows for sufficient public input. We want to ensure that Colorado forests are protected.
- Leslie Kerr (Western Area Power Administration). WAPA markets federal hydropower in western states and owns electric transmission lines to deliver that power. In Colorado we deliver power out of Bureau of Reclamation dams. The Blue River Gore Pass has a 230kV transmission line on national forest system lands on the east side of Copper Mountain. The line is crucial to the electric grid and if this land is included in a roadless area it could impact our ability to access the line for maintenance and operation activities. We believe this line is currently outside of the proposed Colorado Roadless Areas and we request that that remain the case.
- Drew Vankat (International Mountain Bicycling Association and Outdoor Alliance). I am representing the Outdoor Alliance today, a coalition of six national member-based organizations. We advocate for stewardship for human-powered recreation. Some of the most desirable outdoor areas are in remote, undisturbed areas such as roadless areas. These are generally lower-elevation areas with different ecosystems and larger river systems that are more accessible than wilderness areas. These provide for a full spectrum of human-powered pursuits. Any change in management direction for these areas causes direct impacts to our organization. We strongly support the 2001 Roadless Rule and strongly hope that the Colorado roadless rule mirror its protections. I would like you to consider than any new road development would negatively impact our experiences, and we are concerned that the proposed rule will increase the levels of road construction. This can fragment the trail system, introduce increased sediment, and add noise. For extraction and harvest there should be strong provisions in place to ensure that roads are properly obliterated and restored. Lastly, recreation is a great economic driver in Colorado, providing jobs, tax revenue, and retail sales and services. It does not appear to

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us that the proposed rule takes into significant account the positive impact of backcountry recreation for residents and tourists.

- Pam Kiley (Environment Colorado). For eight years, Environment Colorado has been involved with the dialogue in Colorado and nationally about how to protect our national forests. Colorado residents have submitted close to 100,000 comments since 2000, with more than 95% in favor of fully protecting the state's roadless areas to the standards found in the 2001 Roadless Rule. During the Colorado Roadless Task Force process over 22,000 public comments were registered, with over 95% in support of full 2001 protections. And from the 4.2 million public comments registered nationally, over 90% supported the full protections provided by the 2001 Roadless Rule. It is important to Environment Colorado that the public process continues. This phase of the rule development is new, and the final and most important step, so we encourage a continued robust conversation. Also, the circumstances have changed; the 2001 Roadless Rule is now the law of the land. So we are now proposing to remove protections for roadless areas rather than increase protections. And while I agree that there is technical work to be done here, we need to keep in mind the broad core principles that folks around the country care about, which include providing protection for roadless areas. We are specifically concerned about the broad exceptions in the proposed Colorado roadless rule, and we think the exceptions provided in the 2001 Roadless Rule are sufficiently broad to protect communities in the case of emergencies.
- Dan Morse (High Country Citizens' Alliance). We have significant concerns about the roadless areas, specifically those areas in the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG). There are numerous exceptions in the proposed rule for road construction and they are not constrained. The proposed rule does not specify that any environmental analysis must occur for development of long-term temporary roads. This could mean that an EIS is not required for a road that could exist for up to 30 years. The rule does not identify and examine the impacts of roads that will be on a landscape for as long as a generation or more. The proposed rule creates a massive reduction of roadless acreage on the GMUG, with the area suffering a loss of more than 200,000 acres on the basis of an incomplete forest plan that failed to acknowledge valuable roadless lands. These lands are not of wilderness quality but are still valuable roadless lands. The GMUG Forest Plan is not completed and the EIS for this rule fails to analyze the impacts of writing off these critical roadless lands. The distinctions between the three different types of roads should be clarified in the rule, and the proposed rule should provide a bright line between where roads can be built and not built. I hope that the RACNAC ensures that this rulemaking is thorough, thoughtful, and fully includes public participation to make sure that the desires of vast numbers of Coloradoans are taken into account.
- Michael Rogers (Wild Connections). We are a science-based conservation group working for sustainable public lands management, especially in the Pike and San Isabel area. Roadless areas are so important because they are low-mid elevation lands. Ninety

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percent of the total public lands in the state fall within the least protective land management classification; only 10% are highly protected. Over 70% of those protected lands are over 10,000 feet. So the lower elevation lands in roadless areas are not as protected and they are crucial because of their greater species diversity, numbers, and viability. These areas are key migratory corridors, winter ranges, and birthing areas. One hundred percent of the line officers for the Department of Wildlife recommended 100% protection of roadless areas. From a policy perspective, providing wilderness land status is the gold standard, and providing the protections under the 2001 Roadless Rule is the second-best option. The concern is that we're losing that tool through this proposed rule. The protection of lower elevation landscape is the top priority for conservationists to protect functioning ecosystems. Now that the 2001 Roadless Rule is back in place we look at this proposed Colorado roadless rule and see that it is not what the public wanted. There is great vagueness in the language and the exceptions. This is not what Colorado asked for. We either want to stop the process and go back to the 2001 Roadless Rule, or change the proposed rule to be in line with the 2001 Roadless Rule. In particular, we are concerned about the overly broad exceptions for forest health treatments and the vagueness of the road definitions in the proposed rule.

- Sloan Shoemaker (Wilderness Workshop). We are highly concerned about the potential for gap lease development; we would really like to figure out a way to close that loophole. We need to find ways to minimize the footprint on the ground while still providing access to those resources. I have photos to share that show the destruction that pipeline development can cause. It is critical that we don't allow pipeline development in roadless areas. We need to put "no surface occupancy" stipulations on these areas. Oil and gas development is causing water quality problems. And lastly, there are ways to manage the bark beetle problem without going into roadless areas. The loopholes are overly broad for CWPPs and based on past history we do not trust the USFS with using discretion to manage these lands.
- Joel Webster (Theodore Roosevelt Conservation Partnership). My organization represents sportsmen. Colorado has the largest elk and mule deer populations in the United States and the state has some of the best hunting and fishing in the nation. We support the 2001 Roadless Rule as an organization. We have participated in the Idaho roadless rule development and in Colorado. In Idaho, there are some lands that are being granted more protections while others are subject to development. In Colorado we have no guarantee that any lands are getting stronger protections. It is hard from a conservation perspective to participate in a process where there are no gains, only losses due to the exceptions for grazing, water and utility conveyance, oil and gas leases, coal, and WUI access. The language is very open-ended and lacking in specific definitions. We support restoration projects but not large-scale commercial projects in the name of wildlife management. This rule is not balanced. How does the conservation community benefit from this? We also feel that there is not a sufficient opportunity for public comment on this proposed roadless rule.

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- Doug Young (District Policy Director for Congressman Mark Udall). I want to clarify the definition of roadless area characteristics in section 294.31 of the proposed roadless rule. Items 1-9 were lifted from the 2001 Roadless Rule. The beginning of the paragraph comes from the Colorado petition. The concept was that we were concerned that some folks would use the concepts in the itemized list as a basis for litigation. Things like “high quality, undisturbed soils” are vague concepts and we were worried that we would have to carefully define all those terms. But if we didn’t put in the caveat, we were concerned that there would be litigation over every single term. Overall, the proposed rule tracks very closely with the exceptions that the Task Force had articulated. Some minor distinctions include the creation of a long-term temporary road and the pipeline issue that we hadn’t discussed. The Task Force did not get into the gap lease issue because we disbanded after submitting our recommendations to the governor. With regard to forest treatments, the language in here was a result of compromise. Some members from the public wanted even greater access to treat lands so we tried to compromise and come up with a solution that would strike a balance. This section was intended to provide both community protection and watershed protection from catastrophic fires.
- Melanie Mills (Colorado Ski Country USA). I also think the proposed Colorado roadless rule is consistent with the Task Force recommendations. We understood when developing the recommendations that there would be a difference between the language in the petition and the language that would be in a rule published in the federal register. We didn’t try to speak with the same level of precision in the petition that we knew would end up in the rule. There are some places where the agency has made some changes because they need to be more specific in the text of the rule.
- Dave Peterson (Trout Unlimited). One distinct difference in our petition as opposed to the 2001 Roadless Rule was a lack of specificity. We see an even greater lack of specificity in the proposed Colorado roadless rule and we would like to see more specifics added in, in a lot of places.
- Joel Webster (Theodore Roosevelt Conservation Partnership). In the temporary roads section of the proposed rule, it doesn’t really say what you can use the roads for other than the intended use. Can other treatment actions be piggybacked on? I haven’t seen any discussion of that in the rule. Another concern I have is that we may be creating a standard for a 30-year temporary road through this rule. Also, the RACNAC recommended the creation of a RAC-like implementation committee for the Idaho petition and we suggest that the same happen for Colorado. It will be especially helpful regarding actions in WUIs and trying to maintain roadless area values. Regarding the level of protection provided for roadless lands, we suggest that a map like the one Rick Cables shared that shows where forest plans are more stringent than the roadless rule be put into the Colorado roadless rule.

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- Rob Vandermark (Pew Environment Group). I want to add that a lot of my concerns come from the vague and contradictory language in the proposed rule. We are very dedicated to working with you all and we have some suggested language to address the gap lease problem. A lot of the discussions were very helpful but we need to make sure that intent is captured in the rule, which is currently not the case. I do not see the rush to get this done in the next 2-3 months. There are clearly politics behind this, but if we don't finish it by the end of the administration that should be acceptable. The point is to get this done right. As it is written right now the proposed rule opens the door for a significant possibility of litigation. It needs a lot of work. I would also suggest that the RACNAC go back to the letter drafted in August 2007 that laid out 21 points on which the Committee wanted clarification. Many of those have not yet been resolved.

No written comments were received by the Committee.