

Meeting Summary  
Roadless Area Conservation National Advisory Committee  
October 8-9, 2008  
Utah State Capitol Building, Salt Lake City, UT

**Participants**

**Committee Members Present:**

- Darin Bird – Utah Department of Natural Resources
- Adena Cook – Blue Ribbon Coalition
- Robert Cope – County Commissioner Lemhi ID
- Paul Hansen – The Nature Conservancy
- 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
- Denny Scott – Carpenters Union
- Ray Vaughan – WildLaw
- Chris Wood – Trout Unlimited

**Committee Members Absent:**

- Jeff Eisenberg – National Cattlemen’s Beef Association
- Todd Schulke – Center for Biological Diversity

**U.S. Forest Service**

- Mark Rey, Under Secretary NRE
- Rick Cables, Rocky Mountain Regional Forester, Region 2, USFS
- Richard Cook, DFO, Deputy Director EMC, USFS
- Sharon Friedman, Strategic Planning Director, Rocky Mountain Region, USFS
- Kathy Kurtz, Colorado Roadless Interdisciplinary Team Leader, USFS
- Julie Schaefer, Social Scientist, Strategic Planning, Region 2, USFS
- Trey C. Schillie, Ecosystem Services Specialist, Region 2, USFS
- Bill Supulski, Roadless Area Conservation Coordinator, USFS

**Colorado**

- Mike King, Deputy Director, Colorado Department of Natural Resources
- Rebecca Swanson, Colorado Governor’s Policy Office

**Facilitators:**

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

**Committee Agreements**

**Future Discussions Regarding USFS and State of Colorado Rulemaking:**

The RACNAC agreed to hold an additional meeting on the Colorado Rulemaking in November 2008.

**Advice Regarding Colorado Rulemaking:**

The RACNAC agreed to recommend to the Secretary of the USDA that language be added to clarify the treatment of ski area lands formerly in the federal roadless inventory but not included

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in the Colorado Roadless Inventory: “The removal of acres allocated for ski areas from roadless inventory pursuant to this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR part 219.” The Committee agreed that USFS attorneys should review this proposed clause and determine whether it belongs in the preamble to the rule or in section 294.36 subparagraph D of the rule.

In general, the RACNAC approved of the State’s modification to the decision tree for road building included in the proposed rule, and recommended that the decision tree be explicitly stated in the road building exception clauses in the rule. The modification to the decision tree adds that for any road building exception, if the road can be built around a roadless area, it should be. (The other characteristics of the decision tree include that if the activity can be conducted without building a road, no road should be built; and that if the activity requires a road, it should be a temporary road if possible.)

Additionally, the RACNAC elected to recommend placing additional sideboards on the road building exceptions for utility and water conveyances. The group agreed that the decision-maker for these decisions should be the regional forester. The RACNAC agreed to recommend the following addition to the draft rule: “Need is defined as there is no technically or economically feasible alternative or the avoidance alternatives are significantly more environmentally damaging.”

<b>Additional Meeting Highlights</b>
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**Welcoming Remarks and Introductions:**

Greg Schaefer, RACNAC Co-Chair, welcomed the Committee, members of the public, and attendees from the State of Colorado and USFS. Kathleen Rutherford, Kearns & West, reviewed the agenda, RACNAC protocols, and meeting ground rules.

**Update from Undersecretary Mark Rey**

Undersecretary Mark Rey thanked the RACNAC members for their work and noted that the Idaho Roadless Rule will be issued in the Federal Register on October 16<sup>th</sup>. Undersecretary Rey added that the USFS is preparing transition documents for the next administration; he encouraged committee members to considering providing transition documents as well.

**Discussion of the Road Building Exception for Grazing**

The RACNAC wrestled with the issue of whether the exception for road building for grazing purposes should remain in the draft rule. The RACNAC elected to have the State of Colorado check with Colorado Roadless Task Force members on what the intent had been behind the unanimous vote to include this exception in the petition. Pending the outcome of that discussion, the RACNAC may recommend either to remove the grazing exception or to place some additional sideboards on the exception (such as elevating the decision to the regional forester, expanding on the decision tree that requires the road building to be an option of last resort, or other sideboards).

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**Discussion of Road Building Exception for Utility and Water Conveyances**

The RACNAC elected to recommend placing clarifying sideboards on the road building exceptions for utility and water conveyances. The group agreed that the decision-maker for these decisions should be the regional forester. The RACNAC agreed to recommend the following addition to the draft rule: “Need is defined as there is no technically or economically feasible alternative or the avoidance alternatives are significantly more environmentally damaging.”

**Discussion of Road Building for Forest Health Treatments in Community Protection Areas**

The RACNAC discussed whether and how to further bound the provision in the draft rule that provides for road building in any region identified by a CWPP for hazardous fuels treatment. The Committee determined that it needed additional information on the scope of the effects of a potential recommendation to apply a WUI-style approach similar to what the RACNAC recommended for the Idaho Roadless Rule. The Committee requested that the Forest Service conduct a spatial analysis of a WUI-style approach as applied to Colorado, identifying the number of acres involved and characterizing the WUI and watershed impacts. The RACNAC will continue the discussion once that information is made available.

**Discussion of the Intersection between Forest Plans and the Colorado Roadless Rule**

The USFS clarified that the Colorado Roadless Rule will essentially serve as a floor of protection; individual Colorado forest plans can provide additional protections beyond those described in the Colorado Roadless Rule. The RACNAC discussed whether to recommend that forest plans cannot supersede the exceptions enumerated in the Colorado Roadless Rule and agreed that the topic should be further explored at the next RACNAC meeting.

Additionally, the Committee agreed to add language to clarify that the ski areas that are not included in the Colorado Roadless Areas should not receive different treatment under forest plans because they had formerly been included in the federal roadless inventory. The RACNAC’s recommended language is: “The removal of acres allocated for ski areas from roadless inventory pursuant to this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land management plan amendments or revisions undertaken pursuant to 36 CFR part 219.” The Committee agreed that USFS attorneys should review this proposed clause and determine whether it belongs in the preamble to the rule in section 294.36 subparagraph D or in the rule itself.

**October 8<sup>th</sup> Subcommittee Discussion**

Nine committee members attended a non-decisional, exploratory subcommittee meeting prior to the full RACNAC meeting. Attendees included Darin Bird, Adena Cook, Robert Cope, Dale Harris, Jim Riley, Greg Schaefer, Ray Vaughan, and Chris Wood. The subcommittee defined a range of options for further clarifying or defining the road building exceptions in the Draft Colorado Roadless Rule for grazing, utility and water conveyances, and forest health treatments in Wildland/Urban Interface (WUI) areas. The subcommittee’s discussion included the following:

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- Grazing exception: One perspective is that the grazing exception should be removed from the draft rule because the DEIS predicts zero miles of roads built for this purpose over the next 15 years, there is little understanding of why the task force approved this exception, and its inclusion in the rule may make the rule more vulnerable to litigation. Another perspective is that since the task force unanimously voted to include this provision in the petition it should remain in the rule. If the RACNAC recommends keeping the grazing exception in the rule, options for providing sideboards to the exception include requiring a road to be built outside the roadless area if technically or financially feasible, and/or elevating the decision to approve a road for this purpose to the regional forester. The RACNAC agreed to recommend removal of this exception absent a demonstration of need for it in the EIS or compelling justification for its inclusion by the State.
- Water and utility conveyance exceptions: The RACNAC may consider the following sideboards to these exceptions including requiring a road to be built outside the roadless area if technically or financially feasible and building outside the roadless area does not cause significantly more environmental degradation, and/or elevating the decision to approve a road for this purpose to the regional forester. The subcommittee wrestled with whether the task force intended for these exceptions to apply to only current facilities or future facilities as well.
- Wildland/Urban Interface Areas: The subcommittee noted that the discussion of road building for treatment of hazardous fuels for community protection is of concern because the standard in the draft rule (use of Community Wildfire Protection Plans (CWPPs) to designate potential zones for treatment) may be overly broad depending on the CWPP. Options for narrowing these zones include applying a process similar to what the RACNAC developed for the Idaho Roadless Rule; considering the use of “red zones” (based on fire behavior and other metrics) identified by the state of Colorado, or a similar process; reviewing the standards used to create the CWPPs and approving scientifically-defensible plans as appropriate regions for hazardous fuels treatment; and/or elevating the treatment decision to the state forester. The subcommittee additionally discussed whether it would be a good policy to provide for forest health and fuels treatments and temporary road building where necessary on federal lands posing threats to private lands that do not contain residences (i.e., those that are not defined as WUIs).
- Definition of Long-Term Temporary Roads: The subcommittee discussed the definition of the term “long-term temporary road” and affirmed that the definition in the draft rule makes sense based on the intent to create a category of roads that combines elements of both temporary and permanent roads.

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**Public Comment:**

The following oral public comment was offered to the Committee:

- Deanne Buck (Outdoor Alliance). We are a coalition of six national human-powered recreation groups. Colorado roadless areas are a defining feature for our quality of life. We submitted written comments yesterday that show the areas we use on a regular basis. We respectfully request that the proposed rule be revised to address four policy concerns: first, that preserving roadless area characteristics must be the rule's express mandate, as roadless areas have intrinsic value because they lack roads and associated development; second, that the rule needs an unambiguous management direction focused on stewardship of Colorado Roadless Areas; third, that the qualitative and quantitative value of outdoor recreation be factored into the proposed rule; and fourth, that roadless area designation changes be carefully made and include a robust public process.
- Thomas Downey. I came here from Colorado to talk about what's meaningful to me and many others in Colorado. Hunters and anglers are an economic staple for western Colorado, providing a \$2 billion industry in our state. Ninety percent of Coloradoans signed a petition saying that they wanted Colorado roadless areas to remain roadless. I want to make sure that my two boys can visit the same pristine roadless areas that exist today.
- Zeke Williams (Vail Resorts). Vail Resorts represents five ski areas under special use permits on national forest system lands, four of which are on the White River National Forest. Vail Resorts provide skiing for the public interest; we had over 5 million skier visits last year on our lands. There are roadless areas inside the permits of three of the Vail Resorts (Vail Mountain, Breckenridge, and Beaver Creek). The decision was made by USFS, with public processes and after preparing environmental impact statements, that portions of these roadless areas inside ski areas are necessary to meet the long-term demand for skiing on public land. Vail Resorts supports alternative 2 in the DEIS for the Colorado Roadless Rule. That alternative removes from the roadless inventory those ski area lands inside ski area special use permits or allocated to skiing in forest plans. That addresses about 8000 acres of land, equaling two-tenths of 1% of the 4.4 million acres of roadless areas in Colorado. The lands have been put into ski areas because they are vital for public recreation, and it is confusing and misleading to keep them in the roadless overlay. Vail Resorts supports the alternative that removes the ski areas from the Colorado Roadless Area inventory.
- Clare Bastable (Colorado Mountain Club). I represent a 9000-member recreation organization in Colorado. Our members heavily rely on roadless areas. I encourage you to keep in mind that the real intent here is maintaining integrity of roadless areas. On the gap lease issue, we encourage you to the maximum extent possible to recommend prohibiting road development in those important habitat areas. Those gap leases should not have been issued and the task force did not intend that they be issued. On wildfire

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protection we are concerned with logging in CWPPs, as some cover an entire county. The language in the Idaho petition worked well for Idaho but I am skeptical that it will also work well in Colorado. I request that you do a full analysis of what the definition of WUIs from Idaho would look like in Colorado. For the road building exception for utility and water conveyances it was not our intent to allow for road building associated with any future structures, and I hope the RACNAC will consider not including allowances for future conveyances.

- Sinjin Eberle (Trout Unlimited volunteer). I grew up in western Colorado in the North Fork Valley. People come from all over to hunt and fish in western Colorado, and those industries are always economically dependable (more so than the local fruit industry). I have concerns about watershed health and the health of rivers, which are critically important for our native fish especially in the face of climate change. Backcountry areas are the biological core for these species. Areas like Grand Mesa are being increasingly squeezed by developed and road building and I worry about allowing additional roads created for coal exploration in the draft rule. These additional roads would result in much more fragmented habitats and the existing roads cannot even be enforced at this point due to budget cuts. These changes will stress the fabric of the towns in western Colorado that depend on hunting and fishing.
- Mark Schofield (Western Colorado Congress). We have 3000 members across 8 community groups across the western slope of Colorado. We primarily use the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG), although we use other forests as well. Specifically, at the headwaters of the north fork of the Gunnison River in Gunnison National Forest sits the 24,000 acre Clear Fork Roadless Area. This is a large, unfragmented, mid-elevation core habitat with vast aspen stands, open meadows, and spruce fir forests that the Colorado Department of Wildlife (DOW) recognizes as some of the state's best black bear habitat. It is used for hunting, fishing, riding horses, and many other activities, and is part of a larger complex of roadless area serving a critical wildlife corridor function. I raise this as an example of an area at risk because the proposed Colorado roadless rule allows for road building on lands issued gap leases after 2001. Our recommendation would be that no road building be allowed to access those leases. We also have concerns with how the roadless areas were inventoried; the GMUG lost the most acres of roadless areas in the draft rule. In general we want to see more certainty in the rule with the emphasis being on protection of roadless characteristics rather than broad exceptions.
- Pete Kolbensschlag (Pew Environment Group). My group prefers the certainty of the 2001 rule. We feel like the Administrative Procedures Act process has not been as robust as it could be. There were substantive improvements made to the Idaho Roadless Rule with the RACNAC's involvement and we think the Colorado rule also has a long way to go. There are a lot of loopholes to be cleared up and we do not think it was the intent of the public to craft a plan that leaves room for litigation. We have problems with logging exceptions for wildlife, road building for grazing, utility, and water conveyances, and fuel

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mitigation. In general there are a lot of legal uncertainties in the rule, including what level of NEPA would be required for constructs such as the long term temporary roads and the apparent pre-judging of what level of NEPA would be appropriate.

- Jason Sorter (Theodore Roosevelt Conservation Partnership). We offered public support for the Idaho Roadless Rule and we would like to do the same for the Colorado rule but serious changes must be made to the proposed rule. It is currently riddled with giveaways, especially the roadbuilding exceptions. I am a third-generation Colorado native and active angler and hunter and I look to the RACNAC to help preserve my western heritage and ensure that Colorado roadless areas are fully protected. While not preferred, TRCP can live with the minor exceptions beyond the 2001 rule that are important to the state, assuming that they are narrowly and clearly defined. Right now there are too many exceptions. We need to create a good Colorado rule, not just get it done. We are mostly worried about the timber cutting and forest health, gap leases, and grazing and water and utility exceptions you have discussed; these are all detailed in the written comments we submitted. We are also concerned about the 8300 acres of ski areas proposed for removal from the roadless inventory.
- Kurt Kunkle (Colorado Environmental Coalition). We have 4000 individual members and about 100 organization members throughout the state. I have some concerns about the roadless inventory process. I understand that each national forest submitted its inventory with not too much standardization to match up the ways all the boundaries were drawn. In the GMUG, some lands were omitted from the inventory because the Forest Service felt that the lands did not qualify for wilderness. That is backwards; roadless lands are usually a precursor to wilderness, not vice-versa. Also, the maps are drawn on different scales which makes it difficult to define roadless boundaries. The process should be standardized. In general, we believe that protecting roadless values should be the basis for deliberations. One of our concerns is that the discussion seems to focus on what we can do in roadless areas in terms of development, road building, logging, and not focusing on protecting roadless area values. I want to encourage the RACNAC to clarify the rule as you did for Idaho, limiting exceptions and loopholes, and coming from a place that seeks to protect roadless areas, recognize roadless values, and use an inventory that accurately reflects what is roadless on the ground.
- Sharon Lance (Trout Unlimited volunteer). I represent over 10,000 Trout Unlimited members in Colorado and over 140,000 Trout Unlimited members nation-wide. Roadless areas only make up 6% of the state of Colorado and that 6% is worth protecting. Over 90% of Coloradans want to keep roadless areas roadless. In these areas are the headwaters for almost all of Colorado's renowned trout fisheries. This is critical pristine habitat for three native cutthroat trout populations. Seventy-eight percent of native greenback cutthroat trout run through roadless areas and they are threatened. These roadless areas represent only 5% of the original greenback cutthroat trout habitat. I think we should not even consider building roads for water conveyances, especially considering the threat from climate change to these habitats. USFS has not adequately

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analyzed the need to look at the value of roadless headwater streams and watersheds to protect native trout in a warming climate. Please take additional time to ensure that this rule is carefully crafted.

- Dave Petersen (Trout Unlimited). I was on the Colorado Task Force to represent sportsmen. I do not recall a single ranching representative in all of the meetings we had, and all of the documents we read, that said that we need new roads. The fear was losing the status quo. There are a lot of harms that come from road building on rangeland including habitat fragmentation, noxious weeds and invasive species, and increased fire hazards. That is what I remember from the task force. Lastly, we should not be in a position of having to use secondhand memories on what the DOW meant and what they had to say. They should have been at every RACNAC meeting, actively participating.
- Melanie Mills (Colorado Ski Country USA). We represent Colorado ski resorts and we have nine members affected by the roadless rule. I was also a member of the Colorado Roadless Task Force. We are supportive of the process and its recommendations. In the task force process we erred on the side of more flexibility for forest supervisors than the 2001 rule provided. We would ask that you let this rule go forward and do not dismantle it. The draft rule makes sense on the ground with the sorts of activities that are part of our economy in Colorado. We support the removal of ski area lands as proposed in the Colorado petition from the Colorado Roadless Areas (CRAs). This will affect less than 10,000 acres statewide. We strongly oppose the recent suggestion that you only remove certain ski areas from the CRA inventory. Removing all existing ski areas currently in Inventoried Roadless Areas overlapping areas that the Forest Service has determined are suitable for ski area expansion provides the opportunity to make proposals for development without the renewed conflict about whether ski area development is appropriate in those areas. We only build roads (usually permanent) when we need to access lift equipment or for safety reasons. The task force agreed to remove the ski areas after hearing from the forest supervisor that ski area management direction and roadless management direction are inconsistent. Ski areas are a significant part of the economy and the future opportunity to expand should be supported by this rule. We are very respectful of wildlife concerns and we will address specific wildlife concerns when ski area proposals are in front of the Forest Service. Additionally, we highly support having DOW have cooperating agency status on future ski area proposals brought forward. We ask you to clarify that future ski area development in roadless areas, if there is any, is allowed subject to the prohibition on road building, but clarify that ski trails, CAT walks, and other over-snow transportation routes are not roads.
- Doug Young (Congressman Mark Udall's Office). I want to clarify that the Colorado Roadless Task Force did send out its proposals for public comment and then received, analyzed, and reviewed the public comment and discussed how to deal with it in context of the draft recommendations. While the task force was not legally required, it was created by state statute in order to have a collection of interests groups come together to wrestle with this issue. While a number of things happened in the task force process that I



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did not agree with, I am here to stand by the process and provide insight and perspective on the process. I am struck by the extent to which the 2001 Roadless Rule, the task force recommendation, the governor's petition, and the draft Colorado rule are similar. There is a lot of overlap, while there are also discrete places where those of us on the task force chose to make accommodations based on input received. The RACNAC process is excellent and can help us refine things further. I caution you against jettisoning an entire exception because we went through this process in the task force and entertained a plea from folks who had an interest and saw a need for grazing use. Each member on the task force was chose to represent a larger interest and industry. We deliberately carefully with the information and input. The RACNAC may want to help define a proper need for the exceptions included in the proposed rule. We may need a new definition on what "need" means.

Written comments to the Committee were received from:

- Theodore Roosevelt Conservation Partnership
- Pew Environment Group
- Outdoor Alliance
- Crested Butte Mountain Resort
- Colorado Wild, Colorado Environmental Coalition, Western Colorado Congress, High Country Citizens Alliance, Wilderness Workshop, The Wilderness Society, San Juan Citizens Alliance, Wild Connections, Natural Resources Defense Council