

## 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

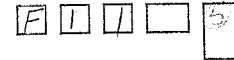
PAGE 01

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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 Skauter, 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**

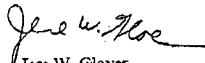
The Office of Advocacy recognizes the importance of protecting the environment, conserving our national forests, and preserving the natural beauty of the area. However, there is also a significant public interest in allowing access to natural resources in order to preserve our economic base. The potential 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.

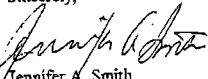
Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact us. Please place a copy of these comments in the record.

Sincerely,



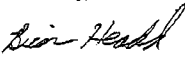
Jere W. Glover  
Chief Counsel  
Office of Advocacy

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,

*M 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:

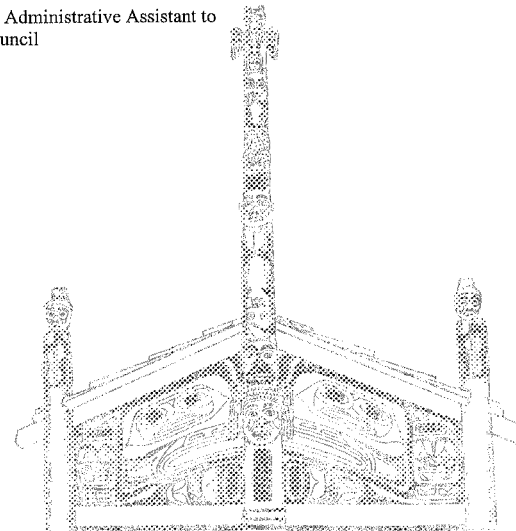
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

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.**

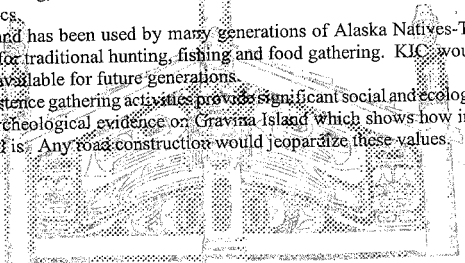
*Merle Hawkins*

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

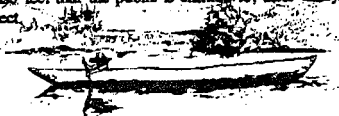
Dear Secretary Glickman:

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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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.

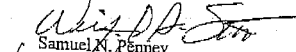
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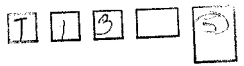
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The Tribe appreciates the opportunity to comment on the proposed rule. We look forward to conducting formal consultation on the rule as the process goes forward to address the concerns discussed above. If you have any questions regarding these comments, 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

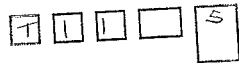
to the public (the cost of building and maintaining the road was greater than the amount received for the timber). We believe that the greater value of the land lies in its ability to provide fish and wildlife habitat.

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. Grotfendts 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.

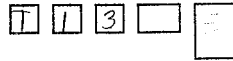
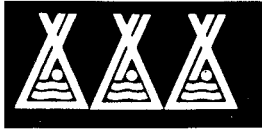
*Larry A. Weibman*  
Sitka Tribe of Alaska - Tribal Chairman

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.

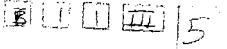
Sincerely,

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.

DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION PLANNING - MS 32  
1120 N STREET  
P.O. BOX 942874  
SACRAMENTO, CA 94274-0001  
Telephone (916) 653-9689  
Fax (916) 653-1447

13979 

5 1 1 1 5

July 14, 2000

RECEIVED  
JUL 17 2000

Mr. Mike Dombeck  
USDA Forest Service-CAET  
Post Office Box 221090  
Attention: Roadless Areas Proposed Rule  
Salt Lake City, Utah 84122

Subject: California Department of Transportation Comments and Review of U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement

Dear Mr. Dombeck:

Thank you for the opportunity to review this Draft Environmental Impact Statement for the U. S. Forest Service Roadless Area Conservation Proposed Rule. The California Department of Transportation (Caltrans) has reviewed this environmental document in our headquarters and statewide district offices. Caltrans main concern is the restrictions this rule might place on our existing rights to repair, maintain, operate and improve the state transportation system in these National Forest areas. Caltrans presently operates state highways and their associated facilities through National Forest by right of easement, permit and agreement. How will this proposal ensure the continuance of existing Caltrans rights?

The following is a list of the State Routes (SR) through National Forest in California that appear to be affected by this rule: Angeles National Forest (NF) - SR 2; Cleveland NF - I-8, SR 74; El Dorado NF - SR 88; Humbolt-Toiyabe NF - SR 108, SR 4, and SR 88; Inyo NF - SR 395, SR 120, and SR 168; Lake Tahoe Basin - SR 89 and SR 88; Lassen NF - 89 and 32; Los Padres NF - SR 166, SR 33 and SR 184; Mendocino - None apparent; Modoc NF - None apparent; Rogue River NF - None apparent in California; San Bernardino NF - SR 74, SR 38 and I-15; Sequoia NF - SR 178; Shasta-Trinity NF - SR 3, I-5, SR 36 and SR 299; Sierra NF - SR 180 and SR140; Siskiyou NF - None apparent; Six Rivers NF - SR 199 and SR 299, Stanislaus NF - SR 4 and SR 108; and Tahoe NF - None apparent.

On Page S-7 under Prohibition Alternatives . . . "As stated in the proposed rule, the responsible official may authorize road construction or reconstruction . . . when: . . . Please define "responsible official" and the limits of their authority relative to existing rights and agreements between the USFS, Caltrans and the Federal Department of Transportation for the operation, maintenance, repair and improvement of California transportation facilities and roadways through National Forests in California. How does this proposal affect local and regional transportation plans for development of new corridors and roadways, planned new roadway construction, new alignments, safety and roadway improvements, increased capacity projects, roadway realignments, or roadway maintenance and modifications on existing or planned transportation systems through National Forests in California?"

Dombeck  
4, 2000

13979

How will this proposal ensure the continuance of alternative routes and detour routes when state facilities have sustained catastrophic damage (fire, flood, landslide, etc.)? Lastly, the California Air Resources Board has designated portions of the Sierra Nevada as non-attainment for the 1999 revised National Ambient Air Quality 8-hour ozone standard. This DEIS should address regional air quality issues and the impacts and mitigation that would be involved with the plan's alternatives, especially those alternatives with trailhead parking and staging areas.

If you have questions regarding these comments, call me at (916) 653-9689, fax (916) 653-1447, or e-mail to [Bill.Costa@dot.ca.gov](mailto:Bill.Costa@dot.ca.gov).

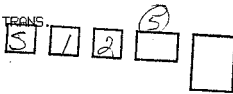
Sincerely,



William J. Costa, Coordinator  
Caltrans Intergovernmental  
Review Program

cc: Twelve District Coordinators

JUL-17-2000 13:00 DEPT. OF TRANS.  
 DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION PLANNING - MS 32  
 1120 N STREET  
 P.O. BOX 942874  
 SACRAMENTO, CA 94274-0001  
 Telephone (916) 653-9689  
 Fax (916) 653-1447



916 653 1447 P.01/04



28908

Post-It Fax Note	7671	Date	7/17/00	# of pages	4
To:	ROADLESS AREAS RULE	From:	Bill Costa		
Co./Dept:	USDA - FS-CAET	Co.:	CALTRANS HQ IGR		
Phone #		Phone #	(916) 653-9689		
Fax #	(877) 703-2494	Fax #	(916) 653-1447		

July 17, 2000

Mr. Mike Dornbeck  
 USDA Forest Service-CAET  
 Post Office Box 221090  
 Attention: Roadless Areas Proposed Rule  
 Salt Lake City, Utah 84122

Subject: California Department of Transportation Additional Comments and Review of U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement

Dear Mr. Dornbeck:

The following are comments the California Department of Transportation (Caltrans) would like included as additional comments to its July 17, 2000 letter to you on the U. S. Forest Service Roadless Area Conservation Proposed Rule Draft Environmental Impact Statement.

- Caltrans basic statewide concern with this proposed rule is whether or not continued flexibility will be permitted to: 1. Maintain and improve existing state roadways and facilities in National Forest (inventoried or non-inventoried roadless areas); and 2. If construction of new facilities and roadways for safety and operational purposes, including new alignments and passing lanes where necessary, will be permitted. Please explain and identify how these maintenance, improvement and new construction concerns will be addressed by the implementation of this rule. Also, please identify specifically what RS 2477 is and how this revised statute (RS) applies to this proposed rule and Caltrans facilities and roadways in National Forests in California.
- Attached to these additional comments are July 13, 2000 and December 20, 1999 comments from the Caltrans District 7 office in Los Angeles. Please answer the questions posed in the July 13, 2000 memorandum and the December 20, 1999 letter.
- Lastly, Caltrans noticed a discrepancy in the spelling of El Dorado in Volume 2 - Maps, page 26, and my misspelling of Humboldt (I misspelled Humbolt) in the Caltrans July 14, 2000 letter.

If you have any questions regarding these additional comments, call me at (916) 653-9689, fax (916) 653-1447, or e-mail to Bill.Costa@dot.ca.gov.

Sincerely,

William J. Costa, Coordinator  
 Caltrans Intergovernmental  
 Review Program

cc: Katie Shulte Joung, SCH# 2000054013  
 Twelve District Coordinators

JUL-17-2000 13:00 DEPT. OF TRANS.

916 653 1447 P.02/04

MEMORANDUM

28908

From: DEPARTMENT OF TRANSPORTATION  
 District 7, IGR-CEQA

Date: July 13, 2000

To: BILL COSTA

File No: 000665/EA

Subject: USFS Roadless Area Conservation Plan

Caltrans D-7 is concerned with the area designated as National Forest System lands outside of inventoried Roadless Areas of the Angeles National Forest System between SR-14 and SR-2. Since some of this area is not inventoried, will the FEIS preclude any restrictions on building any new roads in this area? An exemption process needs to be established for roads that exist in what will become Roadless Areas.

District Seven would like to reiterate our concerns stated on the letter dated December 20, 1999 and continue to work towards a mutual and beneficial solution for the Angeles National Forest and for the transportation needs of the people in this area.

If you have any questions regarding this response, you may reach Steve Buswell at (213) 897-4429 or Elmer Alvarez at (213) 897-6696.

Sincerely,

STEPHEN J. BUSWELL  
 IGR/CEQA Program Manager  
 Transportation Planning Office  
 Caltrans, District 7

28908

DEPARTMENT OF TRANSPORTATION  
DISTRICT 7, ADVANCE PLANNING  
REG. OFFICE 1-106  
12050 SPRING ST.  
LOS ANGELES, CA 90012  
TEL: (213) 897-0486 ATSS: 8-647-0486  
FAX: (213) 897-0906  
E-mail



December 20, 1999

MR. MICHAEL J. ROGERS  
United States Department of Agriculture  
701 North Santa Anita Avenue  
Arcadia, CA 91006-2725

IGR/CEQA #991241/NP  
ND; National Forest System Roadless Areas  
United States Department of Agriculture

Dear Mr. Rogers:

Caltrans acknowledges receipt of the above-referenced document. The document indicates, the Forest Service is initiating a public rulemaking process to propose the protection of remaining roadless areas within the National Forest System.

Our review of the document indicates:

In the Los Angeles area, Caltrans foresees a need for a new facility parallel to State Route 14 between State Route 138 and Interstate 210. Caltrans recognizes the value and importance of preserving the existing ecological system and will rely strongly on the proposed environmental impact statement in the planning, design, and construction process. The financial, environmental, and public difficulties of the Forest Service stated in the NOI are reasonable justifications to temporarily shut down construction in roadless areas, but to shut it down permanently would be ill-advised and rob the forests' potential to providing an economic, commercial, scenic, and proficient pathway into and out of the region. An alternative to constructing on the surface would be to bore underground tunnels leaving the environment intact. Through careful design and construction methods erosion, landslides, and slope failure can be minimized. Landscaping of any new facility should incorporate natural building materials to reduce the modern artificial look and create a sense of dynamic unity with the surroundings. Since any new facility will likely be fully funded and maintained by the State and Federal transportation agencies, the Forest Service will not incur financial burden. We ask that each proposal be looked at on a case by case basis and judged individually based on its merits.

28908

Michael J. Rogers  
12/20/99  
Page 02

Thank you for the opportunity to have commented on the project. If you have any questions, please feel free to contact the undersigned at (213) 897-4429 and refer to our IGR/CEQA #991241/NP.

Sincerely,

Original Signed By

STEPHEN J. BUSWELL  
Program Manager  
IGR/CEQA

cc: Scott Conroy

cc: Dan Kopulsky

V 1 3 [ ] 5

2825

INGLEWOOD, CA 90301  
(310) 412-0393

TERESA P. HUGHES  
TWENTY-FIFTH SENATORIAL DISTRICT

GOVERNMENTAL ORGANIZATION  
HEALTH AND HUMAN SERVICES  
INSURANCE

CHAIR, SELECT COMMITTEE ON COMMUNITY DEVELOPMENT  
CHAIR, SELECT COMMITTEE ON SCHOOL SAFETY  
CHAIR, SUBCOMMITTEE ON ALZHEIMERS



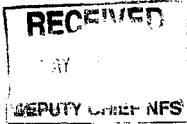
PART RECEIVED



May 1, 2000

JUN 03 2000

Michael Dombeck, Chief  
United States Forest Service  
PO Box 96009  
Washington, DC 20090



Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of California, I understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas of recreation and spiritual renewal. Even if they are not so fortunate as to live next to national forest roadless areas, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. California is fortunate to have some of the nation's most impressive national forests. From Klamath National Forest to Angeles National Forest, our national forests account for 25% of national forest recreation nationwide.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best serviced if you succeed in establishing such a strong forest protection policy.

Sincerely,

*Teresa P. Hughes*

Teresa P. Hughes  
MEMBER OF THE SENATE

Cc: Matthew Stemberidge

Received in FS/CCU  
Initial: KH  
Control No: 4153944



# Assembly California Legislature

DICK DICKERSON  
ASSEMBLYMAN, SECOND DISTRICT

13977

CAPITOL ADDRESS:  
STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
(916) 319-2002  
FAX (916) 319-2102  
DISTRICT OFFICE:  
100 EAST CYPRESS AVENUE  
SUITE 100  
REDDING, CA 96002  
(530) 223-6300  
FAX (530) 223-6737

V 1 1 [ ] 3

June 28, 2000

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

PART RECEIVED  
JUN 17 2000

Dear Chief Dombeck:

As a State Assemblyman with four National Forests within my 2<sup>nd</sup> Assembly District and as Vice Chairman of the California Assembly Water, Parks and Wildlife committee I have the following comments concerning the "Roadless Area Conservation Draft Environmental Impact Statement and Proposed Rule.

First and foremost, I am concerned that this rule making is a blatant violation of the sufficiency language of the California Wilderness Act of 1984 and the local Forest Plan revision processes mandated by law in the National Forest Management Act (NFMA). It also violates the "integrated planning process" and involvement of state and local governments set forth in Sec. 6 of the Forest and Rangelands Renewable Resources Planning Act (RPA). Finally, it does not offer the required wide range of alternatives. There are no choices between the no action alternative and the inclusion of the entire 43 million acres as roadless.

Your analysis in the DEIS estimates that at the current rate of roading only 5-10 percent of the inventoried roadless areas would have roads built in them in the next 20 years. Many Forest Plans are in the process of revision and virtually all will be revised in the next 10 years. What then is the urgency that drives you in the Draft EIS to reject the local, integrated Forest Planning process? Our local communities understand and count on this planning process to make management changes in the National Forests that affect their very livelihood, recreation and safety. I suggest strongly that you reinstate and use this alternative.

Your denial to the States for cooperating agency status as requested by Western Governors should be grounds for starting the process over to avoid non-compliance with the above planning laws.



13977

P. O. BOX 158  
MARKLEEVILLE, CALIFORNIA 96120

THE BOARD OF SUPERVISORS  
ALPINE COUNTY, CALIFORNIA

16272

TELEPHONE  
530-694-2281  
FAX  
530-694-2491



July 6, 2000

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JUL 10 2000

While the DEIS recognizes the need for fuel treatment in roadless areas it does not adequately assess the inordinately high cost of treatment without roads and the impact on fisheries and adjacent rural communities.

Last fire season hundreds of thousands of roadless acres were devastated by fire in my District. The cost of suppressing these fires was disproportionate because of their roadless condition. Some of these fires burned out of roadless areas into communities and virtually all are now silting critical fish habitat.

Again, I simply urge you to table this rule making in favor of the established and legal Forest Plan Revision process the allows for a high level of local public involvement and integration with all the uses of our National Forests.

Sincerely,

  
DICK DICKERSON  
2<sup>nd</sup> District

USDA Forest Service  
Attention: Roadless Areas DEIS  
P.O. Box 221090  
Salt Lake City, UT 84122

RE: Comments on the National Forest System Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS)

Project Team Leader,

At its meeting July 5, 2000, the Alpine County Board of Supervisors voted to submit the following comments in response to the proposed roadless area rule and accompanying DEIS, published in the Federal Register on May 10, 2000:

1. Alternatives In General

The proposed alternatives do not provide a true range of alternatives developed in response to public comment, but rather, appear biased in a way that assures a specific, pre-determined outcome: prohibition. Although the Board of Supervisors recognizes the importance of protecting the County's more than 700 square miles of national forest lands, it is equally cognizant of the economic benefits which can be derived from wise management of these natural resources. Nowhere in the range of alternatives provided is there any reference or consideration given to rural counties such as Alpine, where economies have long been reliant upon timber production, agriculture (grazing) and mineral extraction as an economic base. To that end, the DEIS does not provide scientific proof that these activities, when done properly, are detrimental to the environment. The DEIS fails to acknowledge issues and concerns presented by the recreation community and local governments concerning the social, economic and environmental issues resulting from the proposed rule, and should at least address these issues in the form of an alternative to which the public may respond.

2. Prohibition Alternatives

The Board of Supervisors objects to the U.S.F.S. preferred alternative, and requests further consideration of Alternative 1, No prohibition of activities in inventoried roadless areas. There are a number of reasons for this position, including:

To begin with, the Board of Supervisors believes the current inventory of Alpine County "roadless areas" is seriously flawed. This has been a point of contention for local government since the roadless initiative was first introduced. The public process concerning the inventory of roads on the Humboldt-Toiyabe National Forest was conducted in Ely, Nevada in late 1997, without any form of local public notice or input. There is no means for Alpine County to verify the accuracy of the road inventory

USDA Forest Service  
Roadless Area Conservation Proposed Rule  
Page 2

conducted at that time, which, from the County's perspective, could potentially invalidate the assessment of Alpine County roadless areas. Further, new definition(s) of "roadless" are proposed which conflict with the guidelines applied in the previous inventory process. This has led to much confusion about the proposal and the DEIS publicly, on a local ranger district level, and in regional forest service offices. A process for correcting these inadequacies must be provided.

Furthermore, the DEIS apparently does not acknowledge the County's legitimate public right-of-way established under RS 2477. Alpine County has long argued its claim to public right of way on roads constructed at the time when federal lands were open to entry and appropriation. Some of these areas are now incorrectly identified as "roadless".

Road policy must provide flexibility for providing short-term, low impact access to areas where timber harvest and resource extraction is feasible without involving major road construction. Local economies will be deprived of the economic benefit derived from the development and implementation of new, state-of-the-art forest product industries, such as composting and chipped wood products, due to restrictions on access to inventoried areas designated (perhaps incorrectly) as "roadless". Loss of local revenues due to the reduction or elimination of commodity production indirectly impacts schools, maintenance and construction of local streets and highways, emergency services, and communities, particularly in rural areas that do not have a wide industrial base. These socioeconomic impacts on forest-dependent communities is not adequately addressed in the DEIS and is in violation of existing federal policy under the National Environmental Protection Act (NEPA).

If the U.S.F.S. unequivocally adopts Alternative 2., it essentially eliminates implementation of local fire management strategies, an issue of grave concern to Alpine County. Wildfire conflagration is the single greatest threat to the environment of the Inter-mountain West. The ability to deal with this threat at the local level is crucial. With more than 95% of its lands held in public ownership, including some 59,000 acres of wilderness, Alpine County is at high risk of insect infestation, disease and ultimately, wildfire conflagration. These fires will not only compromise the forests' ability to provide timber, outdoor recreation, wildlife habitat, and watershed quality, they also pose serious risks to human health, life and property. Construction of roads necessary for fuels reduction, timber stand improvement, recreational enhancement, and environmental enhancement must be permitted on an as-needed basis.

The DEIS does not acknowledge the amount of public access and recreation opportunities that are currently supported by these lands, and the effects of the future reductions caused by this decision, particularly in rural communities. The DEIS does not contain quantifiable recreation-based data from industries, rural tourism associations, and user groups that will be negatively impacted by the reclassification of roaded and roadless areas. The proposed alternatives will reduce the opportunities for motorized recreation to expand into these roadless areas in the future and will therefore reduce the quality and availability of opportunities such as snowmobiling, off-road vehicle use, mountain biking, camping, cross-country and downhill skiing, photography, painting, backpacking, horseback riding, birding, swimming, white water rafting, and canoeing, etc.

16277

USDA Forest Service  
Roadless Area Conservation Proposed Rule  
Page 3

Nor does the DEIS address the effects on roaded areas as a result of increased use, and the impacts caused by over-use. While population increases at an accelerated pace, urban areas look to public lands for recreational opportunities that cannot be found elsewhere. Restricting accessibility to national forest lands will result in environmental damage by eliminating dispersed recreation. Local government may be impacted by increases in services such as law enforcement and emergency response, due to the concentration of activities in specific areas and conflicts encountered by multiple user groups.

The DEIS does not adequately address traditional, historic and cultural activities impacted by restricting access to or expanding roadless areas, such as preservation of Native American cemeteries and burial grounds; traditional activities such as pine nut harvesting, hunting and fishing, rock hunting, Christmas tree cutting and firewood cutting.

### 3. Procedural Alternatives.

Although the Board of Supervisors has long supported that forest management decisions must be made on a case-by-case basis (Alternative C.), it is unclear whether local managers will have the authority to bypass road policy that conflicts with local management decisions. The Board of Supervisors reiterates its position that local government and citizen representatives must be directly involved in forest planning issues prior to development and implementation of public policy. Forest management is best accomplished by allowing decision-making and flexibility at the local level where trained, experienced personnel in the field are familiar with on-the-ground conditions.

The DEIS does not directly acknowledge or value existing agreements for local management between local government entities and regional or district Forest Service offices. Alpine County has a long history of working cooperatively with the Humboldt-Toiyabe National Forest, the Stanislaus National Forest and the Eldorado National Forest for the responsible stewardship of its public lands. The Board of Supervisors has the same, if not greater, expectations for open communication and collaboration on the roadless initiative, given the potential long-term impacts of the proposed rule. Limiting the evaluation of roadless characteristics to forest plan revisions leaves local managers hamstrung when faced with management decisions outside of that process.

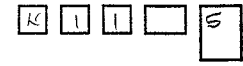
The Board of Supervisors objects to the fact that access to public lands will forever be impacted by restrictions imposed by lawmakers today. It believes that future decision makers should have the opportunity to address multiple use of national forest lands on a case-by-case basis, and that they should be allowed to make those decisions independently. In simplest terms, the proposed rule says that in the future we will never have a viable need or reason to extend the road beyond where it ends now in a national forest. The implications of this action are far reaching, not only to us but to future generations, as well. To lock out now and into perpetuity access to approximately four million acres of public lands in the state of California alone is deciding our children's future now.

16277

USDA Forest Service  
Roadless Area Conservation Proposed Rule  
Page 4

16277

16029



Therefore, given the conflicting or inadequate information provided in the DEIS, the Board of Supervisors can reasonably only support Alternative A. No new roadless procedures should be established.

July 12, 2000

Thank you for your consideration of the comments provided by Alpine County.

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

Respectfully submitted,

Re: Forest Service Roadless Area Conservation Draft EIS

KATHERINE RAKOW  
Chair, Board of Supervisors

To Whom it May Concern:

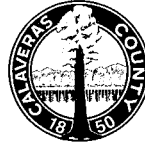
- cc: Mike Dombeck, Chief, USFS  
Jack Blackwell, Regional Forester, Region IV  
Lynn Sprague, Regional Forester, Region V  
Robert Vaught, Forest Supervisor  
Gary Schiff, District Ranger  
Congressman John Doolittle, U.S. Congress  
Senator Diane Feinstein, U.S. Senator  
Senator Barbara Boxer, U.S. Senator

The County of Amador, after a unanimous vote of its Board of Supervisors, in this letter provides its comments on the Forest Service's Roadless Area Conservation Draft Environmental Impact Statement ("DEIS").

1. In initiating any policy or rule governing all National Forests, the Forest Service should begin by gathering the views from the widest possible spectrum of interested individuals and entities. The DEIS suffers from the proposed rule's heritage: the rule was developed in draft form by environmental advocates without the Forest Service's obtaining of equal input from the grazers, foresters, recreationists, local governments, and others with well-developed interests in National Forests. The Forest Service should not limit its policy proposals to those sponsored by environmental advocates. Such a limit skews this DEIS and any policy based thereon. The Forest Service has inverted the policy making process by pouring "data" into the small end of the funnel; and
2. Nearly a third of Amador County is in the Eldorado National Forest. The Forest Service's existing policies and certainly this proposed rule increase every year the risk of catastrophic fire in the Eldorado National Forest and in Amador County. The emphasis on the development of more roadless areas means a concomitant decrease in the harvesting of aging trees in those areas, leaving the forest in an increasingly degraded condition. Amador County is at risk from this proposed policy; and
3. The Forest Service should avoid taking a national approach to forest issues that may have significantly different impacts in specific forests, such as the Eldorado National Forest in this County. Instead of proposing a policy affecting all National Forests the Forest Service should advocate the developing of strategies that concentrate on local benefits and impacts and methods of maximizing the local benefits and avoiding adverse impacts; and

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16029 ✓



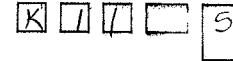
CALAVERAS COUNTY

BOARD OF SUPERVISORS

43573

891 Mountain Ranch Road San Andreas, California 95249 (209) 754-6370 FAX (209) 754-6733

- 4. The DEIS denigrates the economic use of National Forests in order to promote only "environmental" goals. The uses of National Forests for grazing, timber harvesting, and active recreation are beneficial uses for society as a whole. The Forest Service ignores them and imperils the balanced use of National Forests to satisfy only one small segment, however vocal, of the American public; and
- 5. The Forest Service should recognize that uses exist in areas which may be subject to the proposed Roadless Area Policy, which uses have been lawfully constructed and permitted. Those uses have been subject to prior NEPA review. Those prior NEPA decisions are generally based on local conditions and thus more accurately reflect local environmental conditions. Those local decisions based on NEPA review should not be exterminated by a NEPA document of national scope creating a national policy affecting local environments; and
- 6. Finally, Congress and not the Forest Service should undertake such a major policy revision affecting the use of millions of acres of National Forest. Congress is responsible to the electorate and the Forest Service is not. This policy should be one for which elected officials are responsible.



July 11, 2000

CAET RECEIVED

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

CAET RECEIVED  
JUL 14 2000

Dear Sirs:

The issue of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (EIS) was discussed by the Calaveras County Board of Supervisors during their regular meeting yesterday, July 10, 2000. After much consideration, it was decided that Calaveras County would like to submit the following comments regarding this project:

"It is the position of the Calaveras County Board of Supervisors that the Forest Service should withdraw the draft EIS and reissue a revised draft EIS developed under a collaborative process. Absent that, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process."

Thank you for the opportunity to participate in this process.

Sincerely,  
*Lucille Thein*  
LUCILLE THEIN  
Vice-Chair

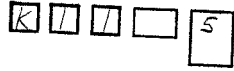
cc: RCRC

Sincerely,

Rich F. Escamilla  
Vice Chairman

JFH:mp

c: Regional Council of Rural Counties (RCRC)



2893

CENTRAL SIERRA PLANNING COUNCIL  
CENTRAL SIERRA ECONOMIC DEVELOPMENT DISTRICT

Counties of: Alpine, Amador, Calaveras, Tuolumne  
Cities of: Amador City, Angels, Ione, Jackson,  
Plymouth, Sonora, Sutter Creek

53 West Bradford Avenue, Suite 200  
Sonora, California 95370  
TEL: (209) 532-8768 • FAX: (209) 532-7599

June 12, 2000

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

At its Governing Board meeting of June 7, 2000, Board members of the Central Sierra Planning Council, the Central Sierra Economic Development District, and the Central Sierra Resource Conservation and Development Area Council, by consensus, agreed to support "**Alternative 1 - No Action; No Prohibitions**" contained in the Draft Environmental Impact Statement (DEIS) for the Forest Service Roadless Area Conservation proposal.

In addition, the Governing Board finds the "**Proposed Rule - Special Areas; Roadless Area Conservation**", to be unnecessary for the National Forests within the four-County Central Sierra area.

The Central Sierra area is composed of four Counties (Alpine, Amador, Calaveras and Tuolumne) and seven Cities (Amador City, Angels, Ione, Jackson, Plymouth, Sutter Creek, and Sonora) which are located in the central portion of the Sierra Nevada mountain range. Parts of three National Forests are located within the four-County area (Eldorado, Humboldt-Toiyabe, and Stanislaus National Forests). The local four-County economy is strongly influenced by actions taken by the Federal government on adjacent forest service lands. The following items are noted in support of the Governing Board's actions at the June 7th Board meeting.

The Proposed Rule *may* have adverse consequences for the local four-County area economy due to the reductions in:

- potential timber harvest,
- future timber related employment,
- payments to States (and Counties) from timber receipts,
- developed recreation opportunities, and,
- future mineral exploration and development.

(Note: These potential reductions are described in the DEIS for the Forest Service Roadless Area Conservation proposal.)

CAET RECEIVED  
JUN 15 2000

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has been noted that a Forest Service spokesman for Region 5 stated,

" 'Four or five years ago, the (California) regional forester told supervisors to avoid roadless areas in the future', consequently, 'the central Sierra Nevada appears to be largely unaffected' by the new proposal." (The Sacramento Bee, May 10, 2000).

That being the case, the Proposed Rule appears to represent a level of regulation which is not needed for the three National Forests in our four-County area.

The current "Land and Resource Management Plans" for the Central Sierra area National Forests should be the mechanism to address road issues in roadless areas of those forests rather than a Proposed Rule which includes the entire United States.

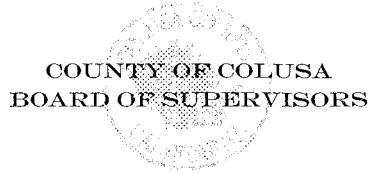
Sincerely,

Larry Busby  
Executive Director

cc: Central Sierra Governing Board Members

CHRISTY SCOFIELD, DISTRICT ONE  
E. DOUGLAS WHITE, DISTRICT TWO  
JERRY L. MALTBY, DISTRICT THREE  
WILLIAM R. WAITE, DISTRICT FOUR  
DAVID G. WOMBLE, DISTRICT FIVE

BOARD CHAMBERS  
COUNTY COURTHOUSE  
546 JAY STREET  
COLUSA, CALIFORNIA 95932

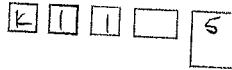


17259  
KATHLEEN MORAN, COUNTY CLERK  
(530) 458-0500

NANCY NEWLIN  
CHIEF CLERK TO THE BOARD  
(530) 458-0508

MARIA PEREZ-MENDIOLA, CLERK TO THE BOARD  
(530) 458-0509  
FAX: (530) 458-0510

July 14, 2000



U. S. Forest Service - C.A.E.T.  
P. O. Box 221090  
Salt Lake City, Utah 84122

Re: Roadless Area Conservation

PAID RECEIVED  
JUN 17 2000

Gentlemen:

The Colusa County Board of Supervisors is opposed to the Roadless Area Conservation Proposed Rule. This rule is a blatant violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also violates the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

Without roads, forest health treatments will be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that, after all these years of putting out forest fires, we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the catastrophic losses we have witnessed in the last few fire seasons?

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The Colusa County Board of Supervisors urges that you adopt a "No Action" alternative. This would allow for the established, and legal, forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

*Doug White*  
Doug White, Chairman  
Colusa County Board of Supervisors

- c: Congressman Doug Ose
- Senator Barbara Boxer
- Senator Dianne Feinstein
- Senator Maurice Johannessen
- Assemblyman Dick Dickerson
- Steven Szalay, CSAC Executive Director
- Wes Lujan, RCRC Legislative Advocate

County of El Dorado

BOARD OF SUPERVISORS

18630

18630

WILLIAM S. BRADLEY.....DISTRICT I
RAYMOND J. NUTTING.....DISTRICT II
J. MARK NIELSEN.....DISTRICT III
PENNY HUMPHREYS.....DISTRICT IV
DAVID A. SOLARO.....DISTRICT V

330 Fair Lane • Placerville, CA 95667
Telephone (530) 621-5390
Fax No. (530) 295-2552
Fax No. (530) 622-3645

DIXIE L. FOOTE.....CLERK OF THE BOARD
July 7, 2000



CAET RECEIVED

JUL 10 2000

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

The purpose of this letter is to show support of the Regional Council of Rural Counties recommendations relative to the Forest Service Roadless Area Conservation Draft Environmental Impact Report. I will be bringing this issue before the Board of Supervisor's at their regularly scheduled meeting to be held on the July 25th meeting in El Dorado County.

1. The Forest Service should withdraw the draft EIS and reissue a revised draft EIS developed under a collaborative process. The roadless area protection initiative and subsequent draft EIS was developed from a proposal by the Heritage Forest Campaign, The Wilderness Society, Natural Resource Defense Council, Earth Justice Legal Defense Council, Earth Justice Legal Defense Fund, the Audubon Society, and the Sierra Club. Other interested parties of opposing views were not involved. Yet this administration has been a strong advocate for the collaborative process. The Roadless Area Conservation Draft Environmental Impact Statement is a significant policy decision warranting the collaborative process. Alternatively, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process.

2. Maintain access for forest health purposes. The Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An Additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed for short-term hopes of natural areas. Appropriate protection strategies can best be developed at the local level through a collaborative process void of artificial constraints.

3. Maintain the purpose and intent of the forest plans. Forest plans were developed following years of public involvement. Promises were made and expectations established that would provide a balance of environmental and

economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

4. Recognize and maintain access where access currently exists. Many areas qualifying under the proposed roadless area policy are no longer roadless. Roads were constructed in conformance with an appropriate NEPA document, generally an EIS. Proposals to nullify those NEPA decisions should be individually and explicitly studied at the local level. Overriding a long established forest condition with a general NEPA document at a national level fails to consider the original purposes for providing access to the former roadless areas.

Please consider these points when making a decision relative to the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. I feel their inclusion in a decision imperative.

Respectfully submitted,

[Handwritten signature of Raymond J. Nutting]

Raymond Nutting
District 2 Supervisor, El Dorado County

cc: RCRC (Regional Council of Rural Counties)



13971  
 Judith G. Case, Chairman  
 Supervisor, District 4  
 Board of Supervisors



July 13, 2000

USDA Forest Service – CAET  
 PO Box 221090  
 Salt Lake City, UT 84122

FAX (877) 703-2494

Attn: Roadless Area Proposal

CAET RECEIVED  
 JUL 17 2000

To Whom It May Concern:

SUBJECT: Proposed Roadless Areas Conservation Strategy and DEIS

The Fresno County Board of Supervisors would like to offer our comments on the proposed Roadless Area Conservation rule and Draft Environmental Impact Statement for Forest Service lands, currently under review.

Our Board's larger concerns with the proposed Roadless Area rule are incremental removal of public lands from the public's use and benefit. A large portion of Fresno County is federal land within the Sierra and Sequoia National Forests. These areas are an important part of our County, and their use, or limitations on their use, can have major impacts on the economy and quality of life for residents for Fresno County and surrounding rural counties. We support a balanced use of the forest that will provide for long-term health and sustainability of resources, water quality, public recreational and economic use, and habitat.

The inventoried roadless areas in the Sierra and Sequoia National Forests are currently being managed under approved federal and regional Forest plans, which were developed over time in California with extensive public participation. Decisions made at a federal level may not adequately recognize the diversity of local and regional conditions, and result in decisions which may not be in the best interest of long-term management of the individual forests.

We would urge that the final rule not impose further top-down restrictions on forest management, and respect local forest management decisions in keeping with the multi-use mission of the Forest Service.

Our Board is also concerned with a public process that does not allow adequate time for a thorough review of the issues, and an evaluation process that may not adequately consider or respect local input. This is evinced by language in the DEIS that appears to disparage those employed in the wood products industry, and by a process that allows for an administrative decision on the final rule rather than a deliberative action through the representative legislative body.

July 13, 2000  
 Page two

We therefore urge you to extend the comment period to allow for a thorough public dialog on the Roadless Area Rule. Our further recommendation would be a reconsideration of the need for further rulemaking which creates a single, restrictive management approach for inventoried roadless areas where such areas are appropriately and actively managed under local and regional forest plans.

We appreciate your consideration of our comments. If you have any questions, or need additional information, please call Lynn Gorman of our Planning & Resource Management staff at (559) 262-4091.

Sincerely Yours,

*Judith G. Case*  
 Judith Case, Chairman  
 Fresno County Board of Supervisors

C: Board of Supervisors  
 Lynn Gorman, Planning & Resource Management Dept.

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 ws059:roadless 2-2000.doc

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GLENN COUNTY BOARD OF SUPERVISORS  
Glenn County Board of Equalization  
Air Pollution Control District

July 6, 2000  
USDA Forest Service-CAET  
Roadless Area Conservation DEIS  
Page 2

26054

Facsimile Transmission  
(887) 703-2494

July 6, 2000

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

CAET RECEIVED  
JUL 13 2000

**SUBJECT: ROADLESS AREA CONSERVATION DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Glenn County Board of Supervisors recommends the following inclusions in the Roadless Area Conservation Draft Environmental Impact Statement.

The roadless area protection initiative and subsequent draft EIS was developed from a proposal by the Heritage Forest Campaign, The Wilderness Society, Natural Resource Defense Council, Earth Justice Legal Defense Fund, the Audubon Society, and the Sierra Club. Other interested parties of opposing views were not involved. Yet this Administration has been a strong advocate for the collaborative process. The Roadless Area Conservation Draft Environmental Impact Statement is a significant policy decision warranting the collaborative process. Alternatively, the Forest Service could choose Alternative 1, the no action alternative and commence a new planning process using a collaborative process.

The Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed for short-term hopes of natural areas. Appropriate protection strategies can best be developed at the local level through a collaborative process void of artificial constraints.

Forest plans were developed following years of public involvement. Promises were made and expectations established that provide a balance of environmental and economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

Many areas qualifying under the proposed roadless area policy are no longer roadless. Roads were constructed in conformance with an appropriate NEPA document, generally and EIS. Proposals to nullify those NEPA decisions should be individually and explicitly studied at the local level. Overriding a long established forest condition with a general NEPA document at a national level fails to consider the original purposes for providing access to the former roadless areas.

Thank you for the opportunity to comment.

Sincerely,

GLENN COUNTY BOARD OF SUPERVISORS

Gary Freeman, Chairman

cc: Regional Council of Rural Counties  
Mendocino National Forest

Board of Supervisors, Courthouse 526 West Sycamore Street P. O. Box 391 Willows, CA 95988  
(530) 934-6400 Fax (530) 934-6419  
e-mail: [gcboard@glenncounty.net](mailto:gcboard@glenncounty.net) web site: [glenncountygovmt.net](http://glenncountygovmt.net)

Board of Supervisors, Courthouse 526 West Sycamore Street P. O. Box 391 Willows, CA 95988  
(530) 934-6400 Fax (530) 934-6419  
e-mail: [gcboard@glenncounty.net](mailto:gcboard@glenncounty.net) web site: [glenncountygovmt.net](http://glenncountygovmt.net)



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
ADMINISTRATION 445-7491 NATURAL RESOURCES 445-7741  
BUSINESS 445-7452 PARKS 445-7652  
ENGINEERING 445-7493 ROADS & EQUIPMENT MAINT. 445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
REAL PROPERTY SERVICES 445-7205

December 14, 1999

USDA Forest Service-CAET  
Attn: Roadless Area NOI  
P.O. Box 221090  
Salt Lake City, Utah 84122

**RE: Comments on Roadless Areas Initiative**

Dear Members of the Content Analysis Enterprise Team:

Thank you for the opportunity to comment on how President Clinton's roadless areas initiative will be analyzed in your Draft Environmental Impact Statement (DEIS). We support the protection of wilderness values by taking action to limit the activities allowed in remaining roadless areas within the National Forest System.

Roadless areas provide biological diversity, wildlife habitat, clean water, and scenic beauty. In addition, these areas provide places for scientific research and wilderness recreational opportunities. These ecological and public benefits should be protected by prohibiting the implementation of all activities that do not contribute to maintaining or enhancing ecological values in the remaining unroaded portions of inventoried Forest Service roadless areas.

We support the development of a guide (part two of the DEIS) that would help land managers determine what activities are consistent with maintaining or enhancing ecological values. It is also important to establish criteria by which areas can be prioritized for protection or considered for exemption.

Building new roads into roadless areas and maintaining them is expensive. The Forest Service already has insufficient funds for maintaining its existing road system, and new construction would only add to the financial burden. Road construction increases the risk of erosion, landslides, and increased sedimentation into waterways, impacting the entire watershed. New roads also increase the threat of invasion by non-native pest species into native communities, and can cause fragmentation of critical habitat or the interruption of migration routes. For these

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reasons, we support measures to prohibit new road construction and road reconstruction in Forest Service roadless areas.

We appreciate the opportunity to comment at this stage in the scoping process. We look forward to reviewing your DEIS in Spring 2000.

Very truly yours,

Donald C. Tuttle  
Deputy Director of Public Works-General Services

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ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
839-6401



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DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
ADMINISTRATION 446-7491 NATURAL RESOURCES 446-7741  
BUSINESS 446-7652 PARKS 446-7651  
ENGINEERING 446-7377 ROADS & EQUIPMENT MAINT. 446-7421  
ARCHITECT 446-7493

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
LAND USE 446-7206

July 6, 2000

Mike Dombeck  
Chief USDA Forest Service-CATE  
P.O. Box 221090  
Attn: Roadless Areas Proposed Rule  
Salt Lake City, Utah 84122

RAFT RECEIVED  
JUL 10 2000

RE: Comments on Draft EIS for Roadless Area Conservation Proposed Rule

Dear Mr. Dombeck:

Thank you for providing an opportunity for us to comment on the adequacy of the Draft EIS released in May 2000. As noted in our previous letter dated December 14, 1999 to the Members of the Content Analysis Enterprise Team, we support protection of wilderness values in remaining roadless areas within the National Forest system.

Our Natural Resources Division of the Department of Public Works reviewed the Draft EIS and believe it is complete, adequate, and complies with NEPA. Their analysis is attached.

Of interest to us here in Humboldt County, California, of the 174,000 acres identified as roadless areas in the Six River National Forest, 62,000 acres were prescribed to allow road construction and reconstruction. Under the proposed rule, this acreage would no longer be open to road construction and reconstruction.

We further noted the Draft EIS identified an average annual plan to offer a 1.55 MMBF of timber within the inventoried roadless area in the Six River National Forest. This would result in a predicted loss of between two and five jobs associated with timber harvesting. As your team is aware, this area has been hit heavily economically through the loss of several jobs following designation of Spotted Owl and Marbled Murrelet critical habitats. As a result, various small communities have lost the ability to adjust to additional impacts, particularly in the so-called "back country".

In conclusion, we believe the Draft EIS adequately describes the proposed rule and its potential effects on the environment and local economy.

Very Truly Yours,

Donald C. Tuttle  
Deputy Director, General Services

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**IMPACTS ON HUMBOLDT COUNTY, CALIFORNIA OF  
U.S. FOREST SERVICE ROADLESS AREA  
CONSERVATION PROPOSED RULE**

Submitted by: Ann Glubczynski  
July 3, 2000

**INTRODUCTION**

On May 11, 2000 the U.S. Forest Service published a Draft Environmental Impact Statement (DEIS) on a proposed rule regarding roadless area conservation. These regulations would protect certain roadless areas in national forests from new road construction and reconstruction. The DEIS addresses four (4) alternatives, including a no-action alternative. The preferred alternative is "Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas" (DEIS Vol. 1, pg. S-7). This alternative does not prohibit timber harvest. Two other alternatives prohibit road construction and reconstruction and restrict timber harvesting. Written comments on the DEIS must be received by the U.S. Forest Service by July 17, 2000.

**ROADLESS INVENTORIED AREAS**

Roadless inventoried areas were identified by the U.S. Forest Service using land and resource management plans and the 1979 Roadless Area Review and Evaluation (RARE II) inventory. The inventoried roadless areas fall into two groups based on forest management plans: areas on which road building is not allowed, and areas where road building is allowed. Also, since inventories were taken, some road building has occurred in previously roadless areas. The DEIS did not adjust for the road building that occurred, but addresses the areas as originally inventoried (DEIS Vol. 1, pgs. S-35, 1-4).

**IMPACTS ON SIX RIVERS NATIONAL FOREST IN HUMBOLDT COUNTY**

Of the 989,000 acres in the Six Rivers National Forest, 174,000 acres have been identified as roadless area. 112,000 acres are currently allocated to a prescription that does not allow road construction and reconstruction. 62,000 acres are prescribed to allow road construction and reconstruction (DEIS Vol. 1, pg. B-8). If the proposed rule is adopted, the 62,000 acres would no longer be open to road construction and reconstruction. Portions of these acres are located at the eastern edge of Humboldt County. One area is immediately south of Highway 96 near the town of Orleans, a second area is very small and is between Highway 299 and Highway 36, and a third area is north of Highway 36 (DEIS Vol. 2, pg. 42, attached).

Ecologic Factors

Positive impacts of the proposed rule have been identified as enhancement and maintenance of ecological values and wilderness recreational opportunities (December 14, 1999 letter, attached).

Negative impacts identified in the DEIS involve reduced ability to carry out fuel treatments to reduce the threats of catastrophic wildfire, fire suppression, and insect and disease control (DEIS Vol. 1, pg. S-36).

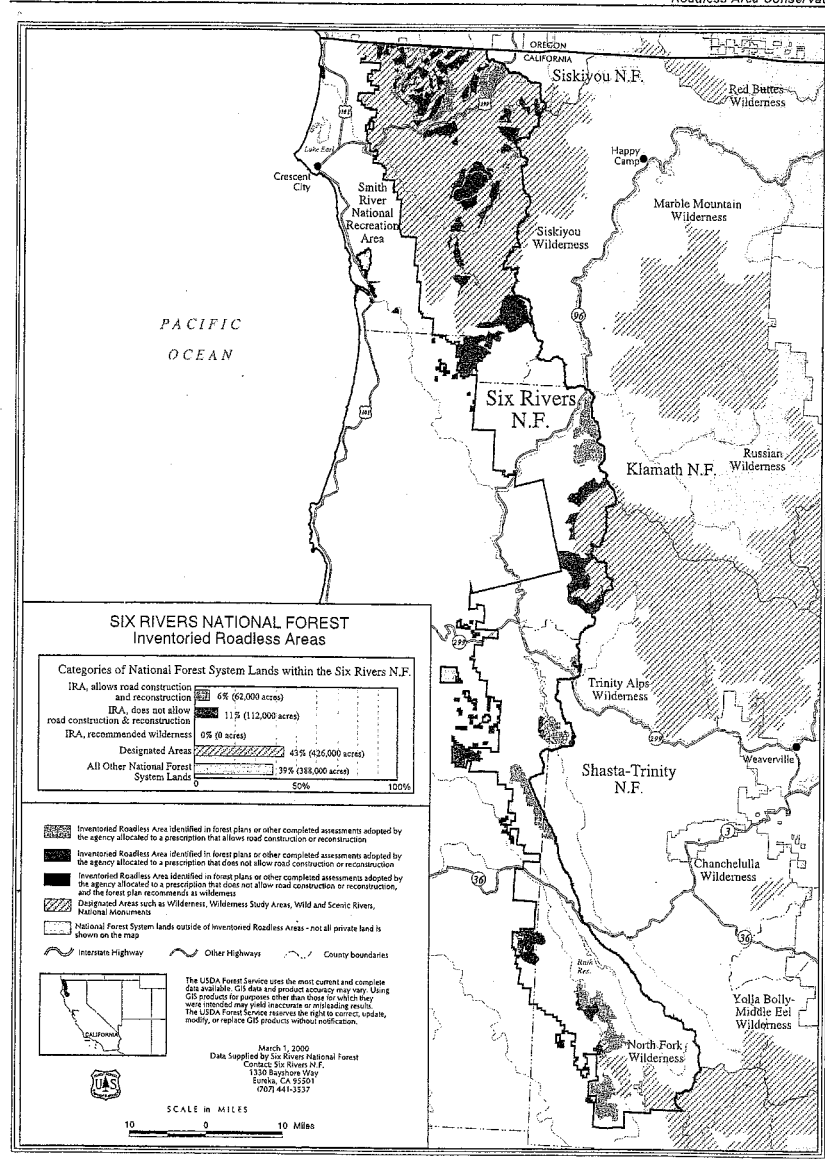
Human Factors

The DEIS identifies an average annual planned offer of 1.55 MMBF of timber in inventoried roadless areas in the Six Rivers National Forest. This is 8% of the total average annual volume offered by Six Rivers (DEIS Vol. 1, pg. 3-213). Implementation of the proposed rule (preferred alternative) would affect the community of Willow Creek, California, with a loss of 2-5 jobs directly associated with timber harvest. The DEIS has determined Humboldt County to not be economically resilient to this loss. This means that based on the county's rural nature, small population, and lack of economic diversity, its ability to adjust to this impact is relatively poor (DEIS Vol. 1, pg. 3-219).

The proposed rule (preferred alternative) should have no affect on existing motorized recreation opportunities. The DEIS does acknowledge the possibility that some non-recreational special uses such as transmission and communication lines, oil and gas pipelines, and public and private roads (which may have built since the inventories were completed) may not be authorized unless the use could occur without road access. Valid existing rights and highway rights-of-way (under R.S. 2477) would be accommodated (DEIS Vol. 1, pg. S-38).

Social and Economic Factors

The DEIS focus regarding social and economic factors is directed toward the forest stakeholders whose livelihoods and recreational pursuits are most closely tied to the national forest. Beside the potential reduction in timber harvesting/processing jobs from possible reduced timber volume available for harvesting, some road construction and mineral/gravel extraction jobs may be affected. Less timber harvesting and lower mineral/gravel extraction revenues may mean reduced payments to states and counties. Reduced road construction and reconstruction would limit the miles of roads competing for limited road maintenance funding. Livestock grazing allotments would probably not be affected. The current level of motorized recreation would not be affected. Wildland and high quality wilderness-type hunting and fishing opportunities would be maintained (DEIS Vol. 1, pgs. S-39, 40, 42).



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I A M C A T O M L

Inyo And Mono Counties And Town Of Mammoth Lakes

July 11, 2000

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

Although the opportunity to comment on the Forest Service Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (EIS) is appreciated, we urge the Forest Service to withdraw the Draft EIS and reissue a revised proposed rule developed through a much more open and collaborative process. The following summarizes the concerns of Inyo County, Mono County and the Town of Mammoth Lakes, which are the Eastern Sierra local governments containing federal forest lands impacted by the proposed rule.

**I. Lack of Collaboration**  
National Forest Management Act (NFMA) guidelines and other policies of the Forest Service favor a collaborative process in rulemaking (i.e. the Forest Service shall collaborate to the maximum extent feasible...). The failure of the Forest Service to use a collaborative process with respect to the proposed rule and Draft EIS is contrary the Service's own recognition of the value and importance of local involvement in decisions affecting federal lands.

In the Eastern Sierra, tribal governments, and local, regional, state and federal agencies have formed Collaborative Planning Teams (CPT) to facilitate such collaborative processes. The Inyo CPT includes the Inyo National Forest, and the Toiyabe and Inyo National Forests are both members of the Mono County CPT. Included in the Memorandum of Understanding establishing our Collaborative Planning Teams are directives to collaborate in responding to planning efforts such as the proposed rule that have the potential to affect or direct actions of our member agencies. We request that our collaborative teams be given an opportunity for genuine participation in this significant policy decision under a collaborative process initiated through the issuance of a revised rule and draft EIS. The no action

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alternative (Alternative 1) should be selected and a new planning effort using a collaborative process should be commenced.

**2. Forest Health Considerations**

Eastern Sierra forests have a very high fire hazard rating, and the Draft EIS acknowledges 66 million acres are at risk from catastrophic fires. An additional 58 million acres are at risk from insect and disease. Many of these high-risk areas are within the areas identified as roadless. Other roadless areas will grow into high-risk areas without proper care. Protection of these national treasures should not be sacrificed. Appropriate protection strategies can best be developed at the local level through a collaborative process void of arbitrary constraints.

**3. Local Forest & General Plan Consistency**

Forest Plans were developed following years of public involvement. Promises were made and expectations established that provide a balance of environmental and economic considerations. Changes to the forest plans should not be made without first seeking to maintain the environmental and economic balance.

The local forest plans in Mono and Inyo counties include consideration of local general plans. These plans were not consulted in the development of the roadless rule proposal. As an example, it appears that the proposed rule would preclude development of the Sherwin Bowl Ski Area, which is a major development component of the Town of Mammoth Lakes General Plan. It also appears that the proposed rule would preclude expansion of the June Mountain Ski Area, which is contrary to the June Lake Area Plan of Mono County. Again, the proposed rule lacks the collaborative involvement at the local level necessary to account for local plans and circumstances.

**4. Clarification of Roadless Rules and Maps**

Certain provisions and maps of the proposed rule are vague and require clarification. As an example, it is unclear in the definitions of road maintenance and road reconstruction if a road significantly damaged by a natural hazard such as an avalanche may be fully restored. Based upon the proposed rule's definitions, it appears that only minor restoration may be permitted. The permissible activities allowed that are greater than "minor restoration" yet less than "reconstruction" should be clarified.

In addition, the maps are at an insufficient scale to accurately assess the impacts of the proposed rule -- additional maps and definitions contained in local forest plans must be consulted. It is unreasonable to expect the commenting public to obtain multiple documents and conduct the extensive research necessary to adequately comment on the proposed rule. The Code

of Federal Regulations (40 CFR 1502.8) directs that an EIS... "Be written in plain language and may use appropriate graphics so that decision makers can readily understand them." The vague maps that apply to our area, which were just recently obtained, do not meet this standard. The maps and definitions should be expanded and clarified in a revised proposed rule.


**5. Cumulative Impact of Federal Initiatives**

The cumulative impact of the proposed roadless rule, together with a number of other Forest Service proposals impacting our local forests, has not been sufficiently addressed. The Road Maintenance Policy, the Sierra Nevada Framework, the Roadless Initiative, regional wilderness plans, and other federal plans, policies, and rules will all have a yet to be determined cumulative impact on our local forests. As requested, a new collaborative process would provide both the time and coordination needed to accurately assess cumulative impacts.

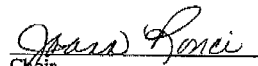
On a related matter, it is extremely difficult for small local governments with limited staff resources to respond to these numerous federal proposals in a meaningful way. As an example, Inyo and Mono Counties must consult with two national forests and their forest plans to comprehend the local impacts of the proposed Roadless Rule. This process is also necessary for the Sierra Nevada Framework and other such proposals impacting the region. This gives little time to consult with our local communities and determine potential community impacts. Again, given the numerous Forest Service proposals being issued at this time, more time is needed for effective local involvement.

Your consideration of these comments and the request to reissue the proposed rule and EIS is appreciated. Our agencies stand ready to participate in an active collaborative process to refine roadless policy direction.

Sincerely:

  
Chair

Inyo County Board of Supervisors

  
Chair

Mono County Board of Supervisors

*Nathan S. Cage*  
Mayor  
Town of Mammoth Lakes

cc Regional Council of Rural Counties

17280



**COUNTY OF LAKE**  
**BOARD OF SUPERVISORS**  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
TELEPHONE: (707) 263-2368  
FAX: (707) 263-2207

13978

**ED ROBEY**  
District 1  
**JEFF SMITH**  
District 2  
**GARY L. LEWIS**  
District 3  
**KARAN MACKEY**  
District 4  
**D.W. MERRIMAN**  
District 5

July 11, 2000

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RECEIVED  
JUL 17 2000

To: USDA Forest Service-CAET

From: Lake County Board of Supervisors

Subject: Roadless Area Conservation Draft Environmental Impact Statement

At the regular meeting of the held on July 11, 2000, the Lake County Board of Supervisors voted to recommend the following with regard to the Roadless Area Conservation Draft Environmental Impact Statement (EIS):

1. The Forest Service should withdraw the Draft EIS and reissue a draft EIS developed under a collaborative process. It is our Board's understanding that the Draft EIS was developed by several interested groups and that the process did not involve opposing views. For this reason, we recommend the no action alternative and a new collaborative planning process.
2. The Forest Service should maintain access for forest health purposes. Many roadless areas have been identified as at risk from fires, insects, and diseases. Other areas may become high-risk areas in the future. A collaborative process would help to insure development of appropriate protection strategies.
3. The Forest Service should maintain the purpose and intent of the forest plans. Changes to forest plans should not be made without first seeking to maintain environmental and economic balance.
4. The Forest Services should recognize and maintain access where access currently exists. Many areas qualifying under the proposed roadless area policy are no longer roadless. A national document should take local needs and conditions into consideration.

Lake County is a Home Rule county.

Thank you for your consideration of these recommendations.

Sincerely,

*D.W. Merriman*  
D. W. Merriman, Chair

BOS:bw

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

# Board of Supervisors

17267  
County of Lassen

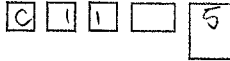


District 1  
ROBERT F. PYLE  
District 2  
JIM CHAPMAN  
District 3  
LLOYD I. KEEFER  
District 4  
BRIAN D. DAHLE  
District 5  
EVERD A. MCCAIN

WILLIAM D. BIXBY, Administrative Officer  
County Administration Center  
221 South Hoop Street, Suite 4  
Susanville, CA 96130

☎ (530) 251-8333  
FAX: (530) 257-4888

17267  
USDA Forest Service – CAET  
Roadless Area Proposed Rule  
July 11, 2000 (#000707A.LIK)  
Page 2



July 11, 2000  
(#000707A.LIK)

USDA Forest Service – CAET  
PO Box 221090  
Salt Lake City UT 84122

Attn: Roadless Area Proposed Rule.

To Whom It Concerns:

The Lassen County Board of Supervisors earnestly requests that the Forest Service withdraw the draft Environmental Impact Statement (EIS) that has been prepared. We feel that this plan was developed using very narrow input from so called "environmental" groups. It is apparent that other groups and stakeholders were shut out of the process. This is not the collaborative process advocated by this administration. We ask that you reissue a revised draft EIS developed through the collaborative process or choose Alternative 1, the no action alternative, and commence a new planning process.

We believe that access must be maintained for forest health purposes. The draft EIS acknowledges that 66 million acres of timber are at risk from catastrophic fires and an additional 58 million acres are at risk from insects and disease. Many of these acres are within the identified roadless areas. Appropriate protection strategies need to be worked out with local stakeholders.

We ask that you maintain the purpose and intent of the Forest Plans. These plans were made after years of public involvement and each was fashioned to meet local conditions. Promises were made and expectations established that provide a balance of environmental and economic considerations. A nationwide NEPA document should not be used to do away with the unique challenges faced by each local forest.

And, finally, we ask that you maintain the access that already exists. Many of the proposed roadless areas are, in fact, not roadless. Roads were constructed in conformance with the appropriate NEPA documents. As stated above, we do not believe that a blanket national NEPA document should be adopted which makes no allowance for unique local conditions.

RECEIVED  
JUL 17 2000

Sincerely,

LLOYD I. KEEFER, Chairman  
Board of Supervisors

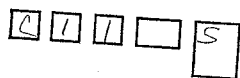
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Cc: Honorable Dianne Feinstein, US Senator  
Honorable Barbara Boxer, US Senator  
Honorable Wally Herger, US Congressman  
Marcia Basque, Executive Director, Regional Council of Rural Counties





LEROY D. BACA, SHERIFF



JUN 2 RECD

NFS

County of Los Angeles  
Sheriff's Department Headquarters  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169



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Chief Dombeck

-2-

May 24, 2000

May 24, 2000

Michael Dombeck, Chief  
United States Forest Service  
Post Office Box 96090  
Washington, D.C. 20090

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JUN - 1 2000  
DEPUTY CHIEF NFS

REC'D FOREST SERVICE  
MAY 31 2000  
CHIEF'S OFFICE  
CAET RECEIVED  
JUN 05 2000

Dear Chief Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official representing nearly 10 million residents, I well understand the critical importance of maintaining intact and undamaged wilderness areas.

The residents I represent place a high premium on these natural, wild areas as places of recreation and spiritual renewal. Millions of Americans from every part of the country visit national forests annually for these purposes.

The public is rightfully concerned about continued road building, logging, mining, and other destructive practices in our remaining forests. California is fortunate to be home to some of the nation's most impressive national forests. From Klammath National Forest to the Angeles National Forest, our national forests account for 25 percent of national forest recreation nationwide.

Our national forests are home to unique and often rare species of birds, animals, and vegetation. Prehistoric and culturally important sites, as well as ecologically sensitive areas are found throughout California's national forests.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80 percent of the nation's water supply emanates in our national forests, with roadless areas providing the purest of that water. These un-logged and roadless areas also protect private property from landslides and flood damage.

*A Tradition of Service*

Protecting our environment is sound economic policy. Roadless areas provide important economic opportunities, including sightseeing, camping, hiking, and other tourist-related activities that help local residents and businesses, as well as non-resource extraction business opportunities. In 2000, the projected economic impact of recreation in the national forests will be \$110 billion in contrast to the \$3.5 billion from logging. Protecting these areas will generate more public benefit and wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy to protect all roadless areas, 1,000 acres and larger, in all national forests. Further, I urge you to support and enact policies to protect these areas from logging, mining, commodity development, and other destructive practices. The public needs and deserves the establishment of a responsible and tough forest protection policy.

Sincerely,

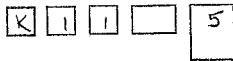
LEROY D. BACA  
SHERIFF

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



July 12, 2000



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

Re: Failure to Receive "Forest Service Roadless Area Conservation Draft Environmental Impact Statement"

Dear Forest Service:

This is to advise you that Mariposa County did not receive a copy of the "Forest Service Roadless Area Conservation Draft Environmental Impact Statement" even though Mariposa County is on record requesting the United States Forest Service to provide to the County any and all documents which could in any way affect Mariposa County's interest by Forest Service actions or proposed actions.

It is the County's position that the Forest Service is statutorily obligated to provide such information to local governments upon request. We are extremely distressed to find out that a Draft Environmental Impact Statement has been not only prepared but that final comments are due on July 17, 2000.

Thank you for your courtesy and cooperation regarding this matter.

Very truly yours,

[Handwritten signature of Garry R. Parker]

Garry R. Parker, Chairman
Mariposa County Board of Supervisors

rs

cc: Patti A. Reilly, District I Supervisor
Doug Balmain, District II Supervisor
Robert C. Stewart, District III Supervisor
Bob Pickard, District V Supervisor
Jeffrey G. Green, County Counsel

13969
County Administrative Officer
MARGIE WILLIAMS
Clerk of the Board
P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252
FAX (209) 966-5147

July 2, 2000

CAET RECEIVED
JUL 17 2000

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

Subject: Mariposa County Sierra and Stanislaus Forest

Dear Forest Service:

We are sending this letter to comment on the Roadless Area Conservation Proposed Rule for the Mariposa County Sierra and Stanislaus Forest.

First, we do not need new rules for the roadless area. Current rules are satisfactory.

We are opposed to the new rules as proposed. They will limit or eliminate public access to public land. The proposed rules will restrict access for fire suppression, medical personnel, search and rescue and law enforcement.

The "roadless" areas contain roads used for recreation, provide access to private land, and allow for timber harvest and grazing activities. Each of these uses are valuable to and greatly affect the livelihood and recreation of Mariposa County residents.

This proposal will essentially create wilderness areas without the input of Congress or local communities.

We would appreciate your considering our concerns.

Sincerely,

[Handwritten signature of Emmett Phillips]
Emmett Phillips
President

EP:bc



MARIPOSA COUNTY
FISH AND GAME PROTECTIVE ASSN.
P. O. Box 1042 5056 Darrah Road
Mariposa, California 95338

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Emmett Phillips, President

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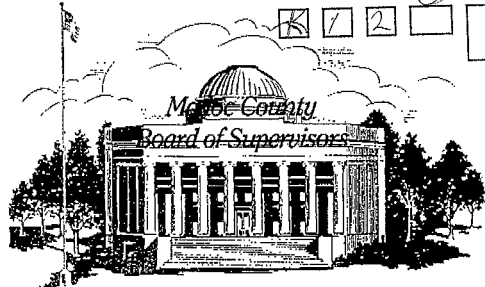
TERRY WILLIAMS  
1st District

JOE COLT  
2nd District

PATRICIA CANTRELL  
3rd District

NON McINTYRE  
4th District

NANCY L. HUFFMAN  
5th District



MAXINE MADISON  
County Clerk  
and  
Clerk of the  
BOARD OF SUPERVISORS

Box 130  
ALTURAS, CALIFORNIA 95101  
(925) 233-6201

July 10, 2000

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

FAX: 877-703-2494

RE: Comments

USDA Forest Service's Roadless Area Draft Environmental Impact Statement and Proposed Rule

The Modoc County Board of Supervisors (County) follows U.S. Forest Service (Service) planning closely. Modoc County is over seventy percent government owned and Service decisions can have great impacts on our citizens' ability to earn a living and recreate.

Modoc County is a "planning county" in that the County adopted the "Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Modoc County" under 16 U.S.C. Section 1604, 36CFR Section 219.7 and other statutes. The Service has failed to meet their responsibilities for coordination with Modoc County throughout this planning effort. Specifically 36 CFR Section 219.7 (a) obligates the Service to coordinate the Roadless Initiative with Modoc County's afore mentioned "Comprehensive Land Use Plan." The Service has failed to do this. Additionally 36 CFR, Section 219.7 (d) requires the Service to meet with Modoc County to establish a process for coordination prior to the Services' selection of a preferred alternative. This too the Service has failed to do. The County urges a timely response to these unaddressed obligations. With that in mind the County offers the following comments.

**General Comments**

The County believes the Roadless DEIS and proposed rule should be withdrawn until the proposed Planning Rule is completed. The Rule is the primary proposal which could affect how all planning is conducted and should be completed first.

The County believes this is a solution in search of a problem. The potential restrictions on activities, on both the inventoried and uninventoried roadless areas, could render much of the Service's non-wilderness acreage off limits to multiple use. There has been no science presented indicating that resource values in these areas are at risk, only the President directive of October 13, 1999

Can the Service objectively do a National Environmental Policy Act (NEPA) analysis when Alternative 1 is in conflict with the President's order? Clearly, by saying "to develop and propose regulations"....., current management is not acceptable.

The Service's presentation of this planning effort has been very misleading for several reasons.

1) The Service clearly wants the public to believe that both the inventoried and uninventoried areas have no roads or travel ways, thus creating an un-realistic portrayal of what this land looks like.

2) The power point briefing presentation included majestic areas that most likely would never be entered and showed no views of what many "roadless" areas look like; ordinary landscape interlaced with roads and travel ways.

3) The Service presents the perspective that the resource values of these areas are at risk. Without this effort water quality, wildlife and other values would be damaged. While that may be true in some cases, many roaded areas provide these same resource values as well.

This effort represents one more top down management proposal. Not all inventoried roadless areas require additional restrictions for protection. The previous roadless planning efforts have already placed additional protection on these lands. Locally on the Modoc National Forest, the Long/Damon Fire in 1996, burned mostly in an inventoried roadless area. Although released the Service was required to develop an Environmental Impact Statement instead of an Environmental Assessment in order to do salvage.

This kind of "cookie cutter" management is poor resource planning. Currently any project planned for a roadless area must undergo an extensive analysis. The benefits of a plan are weighed against the draw backs in an NEPA document with broad public review (at least until the proposed planning regulations are adopted) to determine the outcome. This way all resource values are considered before decisions are made instead of having a one size fits all predetermined outcome. Decisions made at the site specific level are best for the public and the environment.

The Service's current road budget woes have no place in this planning discussion. A lack of road maintenance money is not a reason to place millions of acres off limits for multiple use. The budget is a separate issue to be discussed elsewhere.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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TEL:916 233 5046

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The same is true of potential environmental damage caused by roads. That is a discussion for the NEPA analysis at the project level. The potential harm of a road compared to the benefits that may exist from the existence of the road should be decided site specifically.

#### Specific Comments

##### Alternative 1

The County supports Alternative 1, the No Action, No prohibition alternative. Inventoried Roadless Areas are as varied as other areas of the National Forests. There are majestic mountain vistas, barren juniper covered plateaus and productive timberlands. What they have in common is the need to be managed at the site specific level. The project level NEPA analysis is where decisions, including road construction, need to be made. This alternative allows the decision officer the opportunity to weigh all options, not just those existing within the artificial sideboards created by the other alternatives.

##### Alternative 2

The County opposes this alternative. There is no justification for a blanket prohibition of road construction and re-construction. There may be areas where new roads are inappropriate and the required NEPA analysis can determine this. While this alternative could be modified to require a more detailed analysis for projects in roadless areas, current regulations already mandate this. This alternative does not apply to roaded portions of Inventoried Roadless Areas. This exclusion should also apply to areas containing non-classified roads that are used for managing the forest.

The adoption of this alternative would be harmful to forest health. The DEIS acknowledges that management of the forest would be negative impacted. Treatment of fuel loads, insects and disease infestations, habitat enhancement and any other task requiring new or reconstructed roads would be made more difficult or impossible. This document does not adequately address the increased likelihood of wildfire resulting from decreased fuel treatment.

##### Alternative 3 and 4

The County opposes both these alternatives. In addition to the reasons stated under Alternative 2, they would effectively render these areas quasi-wilderness. Multiple use would then not occur in over half of the National Forest land. Under these two alternatives both the economy and ecology of the forest would suffer.

##### Procedural Alternative A

The County supports this alternative. Many uninventoried roadless areas possess few or no roadless characteristics because they are criss-crossed with unclassified roads. Forest plan revisions and the NEPA analysis are where consideration for all resource values, including those unique to the roadless condition, should be evaluated.

##### Procedural Alternatives B, C, D

The County opposes these alternatives because they use a top down approach to resource management and add additional procedures which are not necessary. Current analysis procedures provide local managers with all the necessary discretion to protect ecological values.

In conclusion, the County supports the No-Action alternative in the DEIS and requests that the proposed rule be withdrawn. Because this process could impact over half of the Service's non wilderness acres and the problems associated with making the Roadless Initiative DEIS available to the public, the County also urges the comment deadline be extended.

Sincerely,



NANCY J. HUFFMAN  
Chairperson

**MODOC COUNTY**

K 1 1 5

Fish, Game and Recreation Commission 16100

P.O. Box 131  
Alturas, California 96101

MAY 1, 2000

MODOC NATIONAL FOREST —

OUR COMMISSION WOULD LIKE TO GO ON RECORD AS OPPOSING THE CLOSURE OF ALL THE ROADS IN THE MODOC NATIONAL FOREST SHOWN IN GRAY ON YOUR ROADS MAP. THESE ROADS ARE USED BY HUNTERS, RANCHERS AND WOOD CUTTERS. THEY ARE ALSO GREAT ACCESS FOR WILD FIRE SUPPRESSION. WE ALSO OPPOSE CLOSING THE TWO MAIN ROADS SHOWN IN RED GOING THROUGH THE DAWON BUTTE ROADLESS AREA. THEY ARE THE ONLY ACCESS FOR DEER HUNTING IN THAT PROPOSED ROADLESS AREA.

CAFT RECEIVED  
JUL 17 2000

Respectfully,  
Wayne Wood  
Commissioner

[grey roads = unclassified roads  
red roads = classified roads]

forward to:  
forward to:

K 1 1 5

**BOARD OF SUPERVISORS**

FRANCES J. ROUDEBUSH, DISTRICT 1  
ROBERT A. MEACHER, DISTRICT 2  
WILLIAM N. DENNISON, DISTRICT 3  
PHILLIP A. BRESCIANI, DISTRICT 4  
DONALD C. CLARK, DISTRICT 5

July 11, 2000



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

CAFT RECEIVED  
JUL 17 2000

Chief Mike Dombek:

Plumas County has over 80% of its area in national forests. We have seen the deterioration of large portions of these forest stands and the resultant loss of thousands of acres of valuable watersheds, recreation areas, wildlife habitat and potential timber products to catastrophic wildfires. We have watched our Forest Receipts dwindle from a high of almost \$9 million dollars annually to under \$600,000 because of a drastic change in Forest Service policies and can show you the social and financial impacts on our county schools, roads and communities.

Plumas County is the home of the Quincy Library Group, which took the advice of President Clinton during the 1992 Portland Summit and developed a local solution that would protect our ecosystem and provide commodities for our nation. The result was the Herger-Feinstein Quincy Library Group Bill that passed the House by an unprecedented 429-1. We are still awaiting implementation of this Pilot Project.

The Plumas County Board of Supervisors has been involved in national forest issues for years and has earned the reputation of working cooperatively with local agencies and maintaining a positive leadership in all natural resource issues.

With this background, we understand as much about the Roadless Area Review DEIS as any interested local government group. Our thorough review indicates that the proposal is poorly conceived, badly presented and is destined to provide many more problems than it is designed to solve. The public has been provided a DEIS that provides no substantive differences between Alternatives 2-4 as noted in Table S-1, pages S-18-23.

For those reasons and more, which are delineated in the pages that follow, Plumas County can not accept any alternative in the proposed DEIS, except Alternative 1; no action. Each "Roadless Area" should be evaluated during the land management planning process and we are requesting that the DEIS be withdrawn at this time.

16184

### Must Review Impacts of All Current Forest Initiatives and Policies

The Roadless Area Proposed Rule DEIS can't be adequately addressed without first elaborating on the fact that this document merely serves to further confound the national forest review process that has been initiated by the Clinton Administration over the Forest Service signature. This is not a "stand-alone" document. The Roadless Area policy must not be completed until the impacts are weighed on all of the other forest initiatives before us.

During the past 18 months, the American public has been asked to review and comment on thousands of pages of documents that have been prepared over the past 3 years or more. This has included:

**219 Forest Management Planning Regulations**, which will drive all of the other initiatives. It also changes Forest Service policy and some existing laws. Comment period was closed on this document before discussions were completed on the other initiatives.

**National Forest System Road Management and Transportation System Rulemaking** will provide new definitions for "roads", determine which roads are deemed "necessary" and set a completely new road policy for our national forests. This over-lapped the comment period of the Strategic Planning review.

**Strategic Planning (2000 Revision)** Released on December 1, 1999 and comment period ended January 30, 2000. This also redefines the Forest Service mission without congressional consent.

**The Sierra Nevada Forest Plan Amendment (Framework)** This document promises to present some of the same rhetoric, but even more of a dilemma. The scientific data in the document points to the fact that there is a need to thin our forest stands and maintain our roads if our national forests are to regain the health standard and fire protection that is needed. Yet, it appears that the final solutions in the two preferred alternatives have been swayed toward preservation (very limited management) of our forests under the guise of "uncertainties" that must be studied further. We are currently preparing comments on this three-volume document.

**The National Wildlands Fire Policy** as proposed by Secretary of Interior Babbitt, Secretary of Agriculture Glickman and EPA Director Browner in 1997 has been the center of attention for some of us. We had been attempting to discourage the adoption of this proposal, because it placed emphasis on prescribed burning without first thinning the over-stocked forest stands. This has finally become recognized as a poorly conceived policy, but only since the Lewiston, California fire and Los Alamos fire destroyed many homes and millions of dollars of private property.

**Presidential Executive Orders** have also been a distraction from the Forest Service request for "meaningful public input..." People have become angered by this unprecedented manner of setting aside large areas of federal land in National Monuments. Good examples of poor decisions can be found in the Escalante National Monument in Utah and the Redwood Grove National Monument in California. People wasted valuable time and money on public comment when the decision, as noted by George Frampton, representing the President on the latter monument, had already been made.

16184

### "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy"

is another document that we have felt compelled to review in order to fully understand the implications of the varied forest initiatives and changing federal policies. As you know, this "Cohesive Strategy" was the Forest Service response to the General Accounting Office Report that concluded "...the most extensive and serious problem related to the health of national forests in the interior West is the over-accumulation of vegetation."

The Forest Service "Cohesive Strategy" avows that there is a need to treat 3 million acres per year. Yet, the end results of the forest initiatives noted above are counter to this goal. In fact, the Roadless Area proposal will stop the use of mechanical thinning in over 60 million acres of federal lands and submit these areas to the very dangers to which Forest Service seems to recognize as poor policy under their "Cohesive Strategy". As an example, we refer you to the first page of text (page 7) of the "Cohesive Strategy", which shows a photograph and states the following: "This photograph illustrates how a treated forest—the green strip running toward the crest of the ridge in the photo's center—can survive a severe wildfire. It shows the differences in *resilience* between treated and untreated forests. The untreated forest—the blackened areas located on either side of this green strip—burned in the Wenatchee National Forest's 1994 Tye Fire."

"In this example, treatment was in the form of a "shaded fuel break" (the photo's green strip) established several years before. Shaded fuel breaks were located in tactically important areas to provide firefighters an anchor from which to safely fight fires."

There is more stated about these good forest management practices that are very similar to that proposed in the Quincy Library Group Pilot Project. The caption ends with: "The cohesive strategy described in this report attempts to achieve improved resilience---as illustrated in the Tye Fire photo. The strategy reduces fuel loadings in fire-prone forests to protect people and sustain resources."

We agree and submit this as one of the many reasons that the Presidents proposal to "preserve" roadless areas in the western states falls short of an acceptable policy.

All of these forest initiatives should be held in abeyance until the impacts can be determined by the agency, Administration and Congress and understood by the public.

In addition, we wish to submit the following specific comments regarding the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement:

### Environmental Groups Developed The Proposals

In an unprecedented violation of FACA, as documented in Senate Hearings, the Administration met with leaders of major environmental groups without invitation to others and developed the Roadless Area Rule Proposals. The rules are by Environmentalists and for Environmentalists, who have only one agenda---lock up the national forests. The inclusion of this 50 million acres, when combined with their other victories of Wilderness designations and National Monuments will set-aside almost 50% of our federal lands to single-use---not the multiple use envisioned by Gifford Pinchot.

16184

16184

**Decision Is Made By President Clinton—not the public:**

Based on the recommendations from Environmental groups, President Clinton has already told the U.S. Forest Service what to do with the Roadless Areas that were designated as such under RARE II and has given very simplistic reasons that are in error:

On October 13, 1999, Clinton said, "Specifically, I direct the Forest Service 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 any smaller 'roadless' areas not yet inventoried." His reason—"these areas represent some of the last, best, unprotected wildland anywhere in our nation. They offer unparalleled opportunities for hikers, hunters, and anglers. They're absolutely critical to the survival of many endangered species."

That is not true. If roads are not permitted in the 50 million acres, they will have very little use by anyone. More important, this proposal side-steps the Forest Service "Cohesive Strategy", that states the best way to protect the areas from catastrophic wildfires and thus protect the "endangered species" is to thin the vegetation that the GAO has pin-pointed as the main threat to our national forest health. This can't be efficiently accomplished without a road system. It must also be remembered that you disallowed the use of an alternative that would allow full consideration of road construction in forest planning for all roadless areas, "...because it did not meet the intent of Presidential direction and need to protect and conserve inventoried roadless areas". Doesn't this mean that the President has directed the results before the NEPA process is completed?

**"President" Gore Has Promised "...no road building, and no timber sales..."**

Neither the Forest Service, nor the public is in control of this process. President Clinton took the advice from a self-interest group. He told you to implement the plan after an abbreviated public comment period. Now, Mr. Gore is quoted in the New Your Times as indicating that if he is elected as President--Public comment, be damned!

"If I am entrusted with the Presidency, it will be a national priority to preserve these roadless areas as they are, no ifs, ands, or buts about it." "No more destructive development and exploitation." "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. Period."

With thousands of miles of roads being eliminated under the new National Forest Road Management and Transportation System rules, the Vice President's attitude may be applied to thousands of acres of newly created Roadless Areas.

**Alternatives and Explanations are Disingenuous****1) No Distinct Difference Between Alternatives**

Except for Alternative 1, No Action, there is not a distinct difference between alternatives. Review of S-1 on pages S-18 through S-23 shows that the results from Alternatives 2, 3 and 4 are about the same.

4

**2) The Whole Story Is Not Revealed**

a) Not all facts released--The public is not told that Alternatives 2, 3 and 4 greatly increase the threat of catastrophic wildfires and subsequent loss of watershed resources, wildlife habitat and increased air quality deterioration. The potential of forest health problems from insect and disease is not discussed. The fact that elimination of roads is counter to USFS philosophy of national forest multiple use is not mentioned. These same tables on page S-20, under Inventoried Roadless Areas At Risk From Catastrophic Fires, masks the problem by noting that "Inventoried roadless areas would receive a low priority for fuels treatment unless there was an imminent threat to public safety, or private property." The message is that resource values are low—it is O.K. if they burn.

b) Coherent Strategy Is Not Apparent--Your overview discusses the changes in Roads Management and Planning Rules, as compared to the Roadless Area review. You state that these are "...three separate and distinct F.S. initiatives that together form a coherent strategy for dealing with vital conservation issues." This is not a true statement. They are distinctly different initiatives, but they are not coherent and the cumulative impacts can not be determined at this time. That fact has been covered way back on page S-45, which states, "As these public rulemakings proceed, the agency may choose to integrate and clarify certain provisions within each rule to insure consistency, clarity and effectiveness." How will the public be able to keep up with and comment on these changes, since the public comment period has already closed on the first two initiatives?

Section 6 of RPA requires one integrated Forest Management Plan. Forest Service must meet the requirements of that law.

c) Cumulative Impacts Recognized. But Not Revealed—It is stated on page S-46, "The Forest Service recognizes that this proposed roadless area rule together with these other proposed rules might have a cumulative impact in final form." However, you fail to even speculate on what impacts there might be and who would be the recipients of the negative social and financial impacts. In summary, the disclosures are very limited and shallow.

Page A-17 notes that, "The agency has conducted a cost-benefit analysis on the impact of this proposed rulemaking. "Few of the benefits and costs associated with the proposed rule were quantifiable, and therefore, many of the costs and benefits are described qualitatively." How can you then state authoritatively that, "Although the analysis does not provide a quantitative measure of net benefits, the agency believes the benefits of the rule, as proposed, would outweigh the costs." The statement that "Local level analysis cannot easily incorporate the economic effects associated with nationally significant issues." tells the true story that the local social and economic impacts have been given very little consideration.

d) Total Acreage Of Proposal Is Greater Than Stated Up Front—Through the document, the figure of 51 million acres of roadless area is used. However, on page A-20 the impact is more apparent. "The procedural provisions would be applied to the 54 million acres of roadless areas, as well as up to 95 million acres of other National Forest System lands."

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e) Consultation and Coordination Is Misstated—On page S-47 it is stated, “The Forest Service also consulted with states, tribes and local governments.” We would have expected this to occur under the Forest and Rangeland Resources Planning Act (RPA), however no one from Forest Service consulted with Plumas County Board of Supervisors, except to tell us of the Public Meetings.

f) Roadless Areas Will Not Permit Multiple Use—Page A-6 states, “This rulemaking is not an effort to expand the National Wilderness Preservation System. The Forest Service will continue managing inventoried roadless area and other unroaded areas within the multiple-use framework required by law.” This deserves more explanation.

g) Authority Under Act of 1897 Is A Stretch—You state that “This proposed rule is within the scope of the Secretary of Agriculture’s authority, as granted by the Organic Administration Act of 1897, “.to regulate the occupancy and use and to preserve the forests thereon from destruction.” Who in the world manipulated that phrase to permanently remove 50 million acres or more from multiple-use?

Forest Service has a Land Management process that is well established and designed to make coherent decisions on how lands are to be managed. The reason for such a process was to assure that one self-interest group, or the Secretary of Agriculture would make such rash decisions as proposed by this edict.

This immediate call to action insinuates that other uses, such as road construction and removal of trees to minimize catastrophic wildfires is “destruction”.

h) Change Of Roadless Area Definition Is Without Merit—The original RARE II inventoried Roadless Areas were based on a minimum of 5,000 contiguous acres. To change this to any size dependent upon the eyes of the beholder will make room for all kinds of self-interest mischief and lawsuits. The potential amoeba shaped areas that can be drawn will make timber harvesting impossible in many areas that have already been under management. Removal of roads and road segments, under the new Forest Transportation Rules will increase the roadless areas substantially. This is the type of cumulative impact that is not being considered by Forest Service and a major reason for not implementing these initiatives without further review. This process has already begun on some forests by the removal of road signs that will thus reduce the classified road to an unclassified road.

j) Major Issues Neglect Forest Health—Page S-5 outlines six “.issues related to this proposal...”. Forest scientists and the GAO have affirmed that our national forests are experiencing the poorest health crises in their history with over 65 million acres (one third of our National Forest System) at risk to catastrophic wildfires, insect and disease. It is fact that the national forests are growing 600% more wood than is being removed. Why wasn’t Forest Health and Protection included?

k) All Roadless Areas Are Not Roadless—The original criteria used to identify and inventory roadless areas in forest planning (Forest Service Handbook 1909.17, chapter 7, allowed the presence of certain types of classified roads, as long as the area, otherwise met certain minimum criteria. This was done at the request of environmental groups, so that more acres could be set-aside in 1972. If it was appropriate then, why not permit new roads in ‘roadless areas’ now?

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l) The Use Of Foregone Litigation Costs As Benefits Is Nonsensical—Page A-19 states in part, “Implementing the rule, as proposed could result in agency cost savings.” “First, local appeals and litigation about some management activities in roadless areas could be reduced, which would avoid future costs.” This sounds as if the agency has given in too blackmail by the Environmental groups. Was this part of the deal that was worked out behind closed doors? If the agency caves-in to their request—certainly there is no need for lawsuits, but what has been gained?

m) “Speculative” Analyses Is Used When Beneficial To Agency Goal—It is stated on page A-20 that “Since individual project proposals and local roadless characteristics are highly variable, estimating associated benefits and costs of implementing procedures would be speculative.” However, A-21 speculates that:

Air quality, air quality will be improved—but does not discuss the fact that this is untrue if the areas are destroyed by wildfire.

There will be a larger land base for dispersed recreation activities in remote settings—but does not evaluate the impact on the hundreds of thousands senior citizens and handicapped persons that will not be able to use these areas because there are no roads.

Quality of fishing and hunting maintained at higher level for recreation, commercial and subsistence users—but fails to note that this will provide special areas for a very few people. There is no discussion of the numbers of people that will benefit from these roadless areas.

Forage quality for livestock grazing and some non-timber forest products maintained at higher level due to smaller probability of introduction of non-native invasive species—but do not relate the fact that environmentalists are attempting to prohibit the use of federal land for grazing. The ranchers will feel their sting next.

n) The \$8.4 billion road maintenance and reconstruction backlog estimate needs review—This assumption becomes important, because this has been used in justifying the Road Transportation Policy changes and the Roadless Area Rule. We can not verify that adequate data has been obtained from district and forest levels to substantiate this figure. Frankly, costs presented of over \$21,000 per mile appear out-of-line. Each road must be analyzed. It is inappropriate to use average costs. Some will not require any maintenance and if unused, in many areas will quickly overgrown by vegetation. No “decommissioning” is required either.

All of the above determinations are based on “Qualitative Discussion” and are permitted to outweigh the real costs and impacts to families, communities and counties that are noted at the bottom of the chart. We believe that Forest Service can do better if they take the time to do so.

Condescending Attitude Is Incorrect and Improper—Chapter 3 of this proposal is incorrect and improper. Further, it sets the stage for this advocacy document, when it can be shown that people don’t matter. As example, it is stated that, “Logging and lumber millwork are not an inter-generational way of life for all participants in the wood products industry.” Today, this is true, because of the uncertainties posed by Forest Service policy. There are still many who would gladly make the wood products industry their livelihood if they could depend on a timber supply. It has become difficult to hire skilled people because of these uncertainties. In addition,



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Loggers are required to finance increasingly expensive and specialized equipment to meet Forest Service policy and timber sale contracts while the volume of available timber diminishes.

Another statement in the document is that, "Even reasonably prosperous rural communities are having high seasonal unemployment, high rates of population turnover, high divorce rates and poor housing, social services and community infrastructures." "Moreover, timber industry jobs are dangerous, having high injury and mortality rates." In fact, employment in the Armed Forces faces the same dilemma. Should they also be eliminated?

It goes on to state: "For these people, what is at stake is not a traditional life style 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." This is not a true statement, but it possibly makes it easier for bureaucrats to sit in Washington D.C. and not believe that Forest Service policies do touch real, hard working people. Plumas County Supervisor, Bill Dennison was raised in the forest products industry. He has noted that it was a community of proud people who believed that they had a very important part to play in our nation. During World War II, loggers and millworkers were issued deferment from service because their jobs were vital to our nations defense. Someday, they may be needed again, but they will not be available, because the federal government has declared their work destructive and their lifestyle "untraditional". What ever you do with the forest initiatives, remove these false premises and insults about woods and mill workers as a beneficial reason for implementing bad policy.

#### Draft EIS Is Deficient, Legally And Factually

We submit that the Draft EIS is deficient, legally and factually for the very reasons submitted by the retired Forest Service employees in the FSX Club of Washington D.C.:

- Failure to abide by the Forest and Rangelands Renewable Resources Planning Act (RPA) requiring coordination with state and local governments. **Plumas County Board of Supervisors respectfully request that this step be taken before implementation of the Roadless Review Rules are adopted.**
- Failure to include an adequate range of alternatives. The public should have been given alternatives to include some areas and not others. It makes no sense to ask them to choose the same formula for all 50 million acres.
- A complete lack of site specific analysis of individual roadless areas  
Failure to provide even the most basic information on such matters as the location of threatened and endangered species, the amount and location of commercial and non-commercial timber volumes and the current recreational use of roadless areas. The forest maps provided to the public are of such scale as to offer little assistance. Since there is no opportunity to offer suggestions on specific areas, there is no reason to use them anyway.
- The document is blatantly slanted to the point that it is an advocacy document. This is contrary to CEQ's regulations that an Environmental Impact Statement must "...succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration". (40 CFR 1502.15)

The FSX Club makes a significant observation in the way data has been withheld, manipulated and abused, in stating: "For us, who have participated in environmental analysis within the agency in the past, this kind of 'cooking the books' implies a fundamental departure from the integrity that characterized the Forest Service as we knew it."

**Centralized Planning And The Removal Of Science From Decision Making**—is a title plagiarized from comments submitted by the 14,000 Forest Service employees who are members of **National Federation of Federal Employees—Forest Service Council**.

The letter states, "We employees are skeptical of Washington bureaucrats' attitude that they know what is best for the rest of us. We are concerned that the Roadless Area initiative is not being processed as prescribed in the National Forest Management Act (NFMA) or the Wilderness Act. Many of the National Forests are in the process of revising their Forest Plans. This latest initiative has brought local Forest planning teams to a grinding halt." "NFMA planning is based on the premise that decision making for local areas should be made with site-specific, scientific analysis for that particular area. But the Roadless Area Initiative is a "one plan fits all" prescription and lumps 54 million acres together that are obviously quite different, both in physical aspects and in social/cultural dimensions."

"This initiative has totally bypassed scientific analysis. Forest Service employees find it ironic the Committee of Scientists just finished making their recommendations, and new planning regulations are out for public comment. Suddenly, out of the blue, the Roadless Area Initiative comes from Washington, negating the hard work that has gone into the Forest Planning process (as ponderous and bureaucratic as it is)"

The letter goes on to note that while the field work force continues to be cut, the Washington Office budget has increased from \$121 million to \$302 million since 1991.

While 5,000 jobs have been eliminated at the Forest and District level, there has been an increase of 150% employees in the Washington office.

In covering the impact on timber production, the employees note, "If cutting back or eliminating timber production is what the Administration is really trying to achieve, it should be honest about its intentions, and that should be the focus of this debate"

#### Region 2 Forest Service Employees Speak Out

You have received a letter from concerned Forest Service employees who "...do not advocate any particular course of action, or any particular alternative." However, these succinct comments, "...do address areas of potential confusion, or expected difficulty in implementation of the rule and perceived weakness in the analysis document. To summarize a few of their comments:

- The RARE II inventory has errors that could be corrected based on current forest data. "The statement in the Summary, p.35, 'The Forest Service used the most recent inventory available....' is not correct." They were told earlier that their new data would be used. However, now that public comment has been completed, they have been advised that "...the analysis team had changed its mind and has decided not to use the updated information and maps."
- "The RARE II maps themselves are not particularly accurate." In fact, on the Medicine Bow, "...the coverage is extremely inaccurate."
- "In any case, while we agree that RARE II received a 'public review' we wonder about the applicability of a review that is 21 years old can still be considered current for decision-making purposes."

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- d) "There is confusion about where the Transportation Policy and Roadless Area Conservation decision overlap."
- e) "The rule is unclear about how the forests are to address suitable acres and ASQ."
- f) The Vice President's announcement regarding his position on timber harvest in these areas has raised "...an issue of credibility ... at several of our public meetings." The perception is that the decisions have already been made.
- g) "The FEIS needs to explain, or respond to the Governor's/Western Governor Association request for cooperating agency status...", since it was denied.
- h) "We believe that the range of alternatives could be improved by the addition of an alternative considered in detail which looks at management (and potential need for roading) of high risk fire and insect areas and areas needing treatment for TES species."
- i) "The agency needs to identify and quantify the unroaded portions of inventoried roadless areas. This has not been done in the DEIS and the public and decision maker cannot determine the extent of the effects unless the areas affected are identified."
- j) "The analysis needs to verify and document the '\$8 million dollar road backlog'. How was this figure determined?"
- k) "'Due to a number of reasons, which we will elaborate, this document appears to be more of a public relations document than a public disclosure document.'" "This is puzzling...an alternative does not have to be overwhelmingly beneficial to be selected." "In short, because of a number of subtle and less subtle analysis and documentation problems, this document appears biased."
- l) "...a decision to ban road construction in roadless areas necessitates a Forest Plan amendment (on some forests) to adjust ASQ." (Allowable Sale Program)
- As you know, the letter pinpoints many examples of bias that are the responsibility of the Washington Office.
- This group of employees has dared to question authority, because of they believe that the Forest Service integrity is worthy of defense.
- Plumas County applauds them and suggests that you listen closely to your employees and consider the admonition by the employees union that "Politics Makes Poor Policy" in regard to the Roadless Area Initiative, or any other initiative that is presented as "scientifically based".

#### Forest Planning Process Is Circumvented

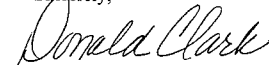
There is a Forest Planning Process in place. It should be used, rather than make a decision by the stroke of a pen, based on poor data and "qualitative data" that replaces substantiated facts. Local level forest planning has always been used in the past to develop forest plan decisions, because the local people are most knowledgeable about the national forest lands. This is what is being stated by Senator Larry Craig, Congressman Wally Herger, the FSX Club, Forest Service employees, local citizens and others who are taking the time to review the Roadless Area Rule Proposal in context with the myriad of other Forest Service/Administration initiatives.

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#### Summary and Conclusion

In summary, Plumas County can find very little to be said in favor of this proposal. We know that the Forest Service can and must do better. We respectfully request that Forest Service withdraw the Roadless Area draft EIS until such time that all of the impacts from the Forest Planning Regulations, Forest Transportation System regulation changes and this proposal can be determined and explained to Congress and the American people.

Sincerely,

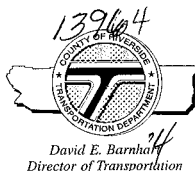


Donald Clark  
Chairman of the Plumas County  
Board of Supervisors

Cc: US Senator, Dianne Feinstein  
Congressman Wally Herger  
Senator Tim Leslie  
Assemblyman Sam Aanestad



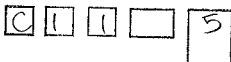
**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND**  
**LAND MANAGEMENT AGENCY**  
**Transportation Department**



13964

July 12, 2000

USDA Forest Service - CAET  
 P.O. Box 221090  
 Salt Lake City, UT 84112



**CAET RECEIVED**  
 JUL 17 2000

Attention: Roadless Area Proposed Rule

RE: Southern California Forests - Proposed Roadless Rule

This is in response to the Proposed Roadless Rule for National Forests. Please be advised that Riverside County is currently involved in a comprehensive planning program known as the Riverside County Integrated Project (RCIP). This project combines the elements of land use planning with multi-species habitat conservation and transportation planning and project development on a countywide basis. The results of the RCIP will provide a vision and guide for development of Riverside County through the year 2020, including a new County General Plan, adoption and Tier 1 environmental clearance for new transportation corridors, and adoption of a Multi-Species Habitat Conservation Plan.

One of the primary transportation corridors under consideration for the transportation component of the RCIP is a new Riverside County to Orange County connection. Any such connection would affect the Cleveland National Forest, as the Forest is located along the entire length of the border between these counties. At present, the only significant transportation corridor linking these two counties is State Route 91, located near the northerly edge of the Cleveland National Forest. While we are yet in the process of identifying alignment alternatives, preliminary discussions with local Forest Service staff suggests that a realignment of existing State Route 74, potentially with some tunneling, might prove to be more acceptable than other alternatives.

No decision has been reached with respect to this corridor proposal. Any number of alternative alignments covering the entire boundary between the two counties are still under consideration. Additionally, we recognize the need to coordinate our planning efforts with the upcoming update of the Forest Management Plan. However, we would like to confirm that realignment of State Route 74, perhaps a significant realignment, as well as other reasonable and prudent alternative alignments would still be considered by the Forest Service in light of the Proposed Roadless Rule. It appears that the entire area

northerly of existing State Route 74 is being proposed as a roadless area. Any number of alternative alignments would potentially affect portions of this area. As the planning and consensus building for this corridor continues, we fully intend to involve the Forest Service in the process.

Another area of concern is Bautista Canyon Road in the San Bernardino National Forest. The County Transportation Department, in conjunction with the Forest Service is undertaking a project to pave and realign, consistent with traffic safety needs, the segment of this road within the National Forest that is currently a County Maintained dirt road. The environmental phase of this project is just getting underway, but it already appears likely that some realignment of the existing road will be needed in order to comply with design safety standards. Again our concern would be that Proposed Roadless Rule not preclude such realignment.

Finally, we would like to conclude by noting that it is our understanding that the Proposed Roadless Rule originated as a result of Forest Service concern over the growing number of roads requiring Forest Service maintenance due the expansion of logging operations into previously roadless areas. As such, we would ask for exemption from this rule for roads maintained by others. Both of the facilities mentioned earlier in our letter would fall into this category. SR 74, or any new alternative, would be a State Highway maintained by Caltrans and Bautista Canyon Road is a County Maintained Road. In neither instance would the Forest Service be expected to have any maintenance responsibility.

Thank you for the opportunity to provide comments.

Sincerely,

David E. Barnhart  
 Director of Transportation

ES:es

- cc: Ann Fege, Forest Supervisor-Cleveland National Forest
- Clem Lagrosa, District Ranger-Trabuco District
- Gene Zimmerman, Forest Supervisor-San Bernardino National Forest
- Mike Florey, Forest Engineer-San Bernardino National Forest
- Richard Lashbrook, TLMA Director
- Aleta Laurence, Planning Director



# SHASTA COUNTY BOARD OF SUPERVISORS

1815 Yuba Street, Suite 1  
Redding, California 96001  
(530) 225-5557  
(800) 479-8009  
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1  
IRWIN FUST, DISTRICT 2  
GLENN HAWES, DISTRICT 3  
MOLLY WILSON, DISTRICT 4  
PATRICIA A. "TRISH" CLARKE, DISTRICT 5

17253



# SHASTA COUNTY BOARD OF SUPERVISORS

1815 Yuba Street, Suite 1  
Redding, California 96001  
(530) 225-5557  
(800) 479-8009  
(530) 225-5189-FAX

PATRICIA A. "TRISH" CLARKE, DISTRICT 5

17260

U. S. Forest Service - C.A.E.T.  
Department of Agriculture  
P. O. Box 221090  
Salt Lake City, Utah 84122

12 1 1 5

July 13, 2000

**Subject: Proposed Rule: Roadless Area Conservation**

PAID RECEIVED  
JUL 17 2000

Gentlemen:

The Shasta County Board of Supervisors is opposed to the Roadless Area Conservation Proposed Rule and, in fact, the entire process of rule-making by the Executive Branch of Government. This rule is a blatant violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also violates the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

This appears to be just another attempt to further restrict logging in our National Forests. As an example, the annual growth on the Shasta-Trinity National Forest is approximately 400 million board feet. The timber sale projection for this year is 82 million board feet. This proposal would cut that small yield by an additional 5 to 10 percent.

Without roads, forest health treatments will be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that, after all these years of putting out forest fires, we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the catastrophic losses we have witnessed in the last few fire seasons?

The Shasta County Board of Supervisors urges that you adopt a "No Action" alternative. This would allow for the established (and legal) forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

*Irwin Fust*  
IRWIN FUST, Chairman  
Shasta County Board of Supervisors

- c: Assembly Member Dick Dickerson
- Congressman Wally Herger
- Senator Barbara Boxer
- Don Peterson, Legislative Advocate
- Senator K. Maurice Johannessen
- Senator Dianne Feinstein
- Steven Szalay, Executive Director, CSAC

U. S. Forest Service - C.A.E.T.  
Department of Agriculture  
P. O. Box 221090  
Salt Lake City, Utah 84122

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July 13, 2000

**Subject: Proposed Rule: Roadless Area Conservation**

PAID RECEIVED  
JUL 17 2000

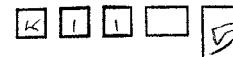
Gentlemen:

As Supervisor of District 5, Shasta County Board of Supervisors, I wish to go on record in strong opposition to the Roadless Area Conservation Proposed Rule in particular, and in general, the entire process of rule-making by the Executive Branch of Government. This rule is a distinct and deliberate violation of the language contained in the California Wilderness Act of 1984 and the local forest plan revision processes mandated by law in the National Forest Management Act. It also goes against the "integrated planning process" set forth in the Forest and Rangelands Renewable Resources Planning Act. These three adopted plans allow for the "management" of the entire forest system, as opposed to this piece-meal attempt to make a system-wide rule on one aspect of national forest management to further restrict the people's access to, and involvement in, their public lands.

Shasta County contains a significant area of National Forest land. As I perceive this Roadless Rule, it is just one more attempt to further restrict logging in our area. For example, the annual growth of timber in the Shasta-Trinity National Forest is approximately 400 million board feet. The timber sale projection for the year 2000 is 82 million board feet. Approval of this Roadless Area Conservation Rule would cut that small yield by an additional 5 to 10 percent.

We must maintain access for forest health purposes. The Draft Environmental Impact Study acknowledges that 66 million acres of forest are at risk from catastrophic fires, and an additional 58 million acres at risk from insects and disease. Without roads, forest health treatments would be limited to prescribed burns. How many uncontrolled burns do we have to endure before we understand that (after all these years of putting out forest fires) we must use mechanical thinning and management of our lands prior to attempting prescribed burns, or continue to face the disastrous losses we have witnessed in the last few fire seasons?

17260



13551

**COUNTY OF SISKIYOU**  
**Board of Supervisors**

P.O. Box 338 • 311 Fourth Street  
Yreka, California 96097

(530) 842-8081  
FAX (530) 842-8093

**U. S. Forest Service - C.A.E.T.**  
**Re: Roadless Area Conservation Rule**  
**July 13, 2000 - Page 2**

The bottom line is that the adopted forest plans (the California Wilderness Act of 1984, the National Forest Management Act, and the Forest/Rangelands Renewable Resources Planning Act) were developed following years of public involvement. It is inappropriate for the Executive Branch of government to over-ride long-established forest conditions with a general "rule" at the Federal level, without individual and explicit studies at the local level.

It is vital that we keep our mutual goal in mind - environmental and economic balance. On behalf of the constituents in my district, I urge you to adopt a "No Action" alternative. This would allow for the established (and legal) forest plan revision process to continue, which includes a high level of local involvement and integration with all the uses of our national forests.

Sincerely,

PATRICIA A. "Trish" CLARKE  
Supervisor, District 5  
COUNTY OF SHASTA

c: Assembly Member Dick Dickerson  
Congressman Wally Herger  
Senator Barbara Boxer  
Don Peterson, Legislative Advocate

Senator K. Maurice Johannessen  
Senator Dianne Feinstein  
Steven Szalay, Executive Director, CSAC  
Wesley Lujan, RCRC Legislative Advocate

file: ROADLESS/PAC/cbr

June 27, 2000

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

Dear Sir:

Subject: Comment On Draft Environmental Impact Statement (DEIS) and Proposed Rule Regarding Roadless Area Conservation

The Board has the following comments.

A. There are still ambiguities and vague implications in the proposal:

1. a. Under par. 294.11 Definitions, how is the 50 inches of width in the definition of a "road" to be measured?
- b. How are there "inherent" characteristics of an "unroaded area" if there are non-classified roads on it?
2. The language under proposed par. 294.13 (a) does not appear gramatically correct and is not clear. How, for example, is soil a characteristic in itself? How can a "responsible official" evaluate just soil? Or "water", or "air"? What data and information will be needed in order to know, for example, the nature of "diversity of plant and animal communities"? And "habitat..."? And "landscape character and scenic integrity"? These "characteristics" also have to be evaluated for un-roaded areas that may have non-classified roads; how can this be understood by responsible officials and done in a reasonable manner? This language does not explain exactly what is to be evaluated in the consideration of quality and importance of these "characteristics". This language does not follow proper syntax and semantics; it is ambiguous, elusive, and impossible to accomplish with any degree of legal certainty.

**CAET RECEIVED**  
**JUL 03 2000**

JOAN T. SMITH District 1	LA VADA ERICKSON District 2	BILL HOY District 3	JERRY GIARDINO District 4	KAY M. BRYAN District 5
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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

13551

3. How will special use permit renewal be handled on un-roaded lands (reference par. 294.14)?
- B. The rule as proposed contains the following violations of NEPA:
1. There is an absence of adequate, clear information and analysis in the DEIS needed to understand the "inherent characteristics associated with an area's un-roaded condition" where there are unclassified roads in that area. How do unclassified roads affect the "inherent condition"? There is no analysis. Yet areas with these unclassified roads are called un-roaded and are said to have certain values, while temporary roads which are also unclassified roads cannot be built. This inconsistency is illogical and unreasonable. If unclassified roads make no difference to the inherent characteristics of an area, then temporary roads should not either.
  2. There is an absence of adequate, clear information and analysis to guide responsible officials/"local managers" in their evaluation of the characteristics under par. 294.13 (a) (1) through (9).
  3. There is not a reasonable range of alternatives analyzed in the DEIS. There should be alternatives analyzed that allow the construction of temporary roads for appropriate activities under ecosystem management authorized in a national forest's Land Management Plan. The Preferred Alternative(s) in the final document with respect to Northwest Forest Plan (NWFP) Forests should be consistent with implementing the NWFP, which calls for a "balance" that is not yet attained. The Forest Service in the DEIS is prejudicial in stating that timber harvest is either a commodity purpose or stewardship purpose activity, pp. 3-11. Both purposes can be served together. Values in these roadless and unroaded areas could be at risk to catastrophic loss if they are "protected" under this proposal and not treated under ecosystem management. An area that is roadless is not automatically an area having characteristics that are within its range of natural variability. Just because no human activities have occurred in an area does not mean that it is unaffected by human activities. For example, fire suppression, by not allowing fire to have naturally occurred in the area, can cause an unnatural build-up of forest fuels. Water quantity, timing, and quality; diversity; recreational values; cultural values; and important habitat could all be at risk in an area supposedly "protected".
  4. The Preferred Alternatives may not be feasible. Will unroaded areas, that are to be protected, be patrolled by the Forest Service to make sure the remaining non-roads are not used? Or will access be blocked? In either case how much could this cost and how will this effort be funded?

JOAN T. SMITH    LA VADA ERICKSON    BILL HOY    JERRY GIARDINO    KAY M. BRYAN  
 District 1                      District 2                      District 3                      District 4                      District 5

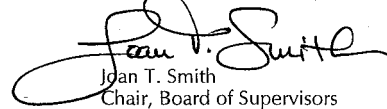
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5. A decision based upon this DEIS would be arbitrary and capricious due to the absence of adequate information, failure to consider all relevant factors, and the lack of adequate, clear, and reasonably thorough analysis

The theory behind roadless values may be sound, but there are serious problems in the practical implementation of this proposed rule. Many of these problems could be alleviated in our area if the Forest Service could return to a consistent and funded implementation of the NWFP.

Thank you for the opportunity to comment. We would appreciate your modifying your proposals to address our concerns.

Sincerely,



Joan T. Smith  
 Chair, Board of Supervisors

JWD/lrf

cc: Senator Dianne Feinstein  
 Senator Barbara Boxer  
 Congressman Wally Herger

JOAN T. SMITH    LA VADA ERICKSON    BILL HOY    JERRY GIARDINO    KAY M. BRYAN  
 District 1                      District 2                      District 3                      District 4                      District 5



13981  
**TRINITY COUNTY**

BOARD OF SUPERVISORS  
P.O. Drawer 1613 (530) 623-1217  
WEAVERVILLE, CALIFORNIA 96093  
*Dero B. Forslund, Clerk*  
*Jeannie Nix-Temple, County Administrative Officer*

July 13, 2000



**PAET RECEIVED**  
**JUN 17 2000**

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

Chief Mike Dombeck:

Please find enclosed a copy of our testimony regarding roadless lands in the County of Trinity, State of California. We feel it is absolutely imperative that National Forest land use designations be made on a Forest by Forest basis as needed.

Sincerely,

Ralph Modine  
Chairman

CHRIS ERIKSON  
District 1

PAUL FACKRELL  
District 2

RALPH MODINE  
District 3

BERRY STEWART  
District 4

ROBERT REISS  
District 5



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ROADLESS AREA TESTIMONY

REDDING, CALIFORNIA  
JUNE 28, 2000

My name is Ralph Modine and I live in Hayfork, California. I am Chairman of the Trinity County Board of Supervisors and here today representing the 13,500 people who reside in the County of Trinity, State of California.

Trinity County, along with California, is celebrating its 150<sup>th</sup> birthday this year. Trinity County has watched National Forest Administration since its birth and the creation of the Trinity National Forest in 1902. In 1955, the Trinity Forest was stripped of its local Supervisors' Office and combined, for administrative purposes, with the Shasta Forest in Shasta County. We believe that this discussion of forest roadless areas adds more credence to a reconsideration of that 1955 decision.

Twenty years ago, Trinity County assembled a committee chaired by our county District Attorney, to develop a county recommendation on the disposition of inventoried National Forest roadless lands within our county boundaries. The committee was made up of individuals from a broad philosophical and geographical cross-section of our county and included local industrial and environmental notables. After two years' work, community meetings and public hearings, Trinity County designated 500,000 acres of roadlessness for our county. This represented 25% of our entire landmass and one third of our National Forest lands. Trinity County was unique in this approach and was applauded by the State of California and in the Congress for both its product and process. In 1984, our county position was adopted into law. That position has not changed.

The near entirety of roadless lands within Trinity County under discussion today are forest plan designated Late Successional Reserves. These Reserves already anticipate no commercial logging or road building but management will be required to protect their health and integrity which is the primary goal of the Trinity Forest Plan. Any additional hindrance to that can only be detrimental.

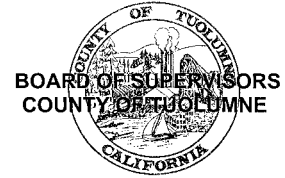
Trinity County, with the aid of its Natural Resource Advisory Committee, is developing a countywide fire management strategy with the goal of making our communities, and the forest around them, fire safe. All our local, state and national firefighters are participating. When the plan is finalized, we will expect to implement it across all Forest Plan land use designations.

13981

Tuolumne County  
Administration Center  
2 South Green Street  
Sonora, California 95370

Phone (209) 533-5521  
Fax (209) 533-6549

Larry A. Rotelli, *First District*  
Mark V. Thornton, *Fourth District*



Don Ratzlaff, *Second District*

Edna M. Bowcutt  
Clerk of the Board  
of Supervisors

43571

Linda R. Rojas  
Assistant Clerk

Laurie Sylwester, *Third District*  
Richard H. Pland, *Fifth District*

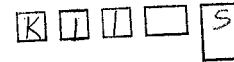
Trinity County understands that roadlessness is a necessary part of a broader landscape mosaic but in the Trinity Forest it is already an ample component.

It disappoints us to see federal forest administrators dancing to the chant of an ill-conceived urban mantra and would warn that environmental prudence, unfairly practiced, can become socio-economic genocide in forest dependent communities.

Trinity people believe the same Public Trust Administration that will require the restoration of the Trinity River, that has required that half of our county and 2/3 of National Forest lands be Wilderness or in some other reserved state, ALSO requires that THEY be provided with safety and sustenance from the forest around them.

Thank you.

July 10, 2000



USDA Forest Service - CAET  
PO Box 221090  
Salt Lake City, Utah 84122

CAET RECEIVE  
JUL 14 2000

Attn: Roadless Areas Proposed Rule

Having been involved with Forest Management issues for well over four decades on both national forest and private lands, I offer the following personal comments on the proposed Roadless Area Rules.

The Draft EIS states that 66 million acres on the national forests are at risk from potentially catastrophic fires, along with another 58 million acres at risk from insects and disease. Much of this area is within the lands to be covered by the roadless rules, restricting future access. It appears that this area is virtually being written-off from any opportunity for protection and concern about forest health.

The process for development and consideration of the Roadless Area Rules has been flawed from the start. Apparently only the national environmental organizations were involved in the preparation of this initiative. Their agenda for restricting public use of the national forests is well known. Any effort of using a collaborative process involving parties of all views has been sadly missing. Either the Draft EIS should be withdrawn and a revision be made using a more open process, or Alternative #1 should be chosen (the **No Action** alternative).

Sincerely,

Richard H. Pland  
District 5 Supervisor



JUL 14 2000

RESOURCE MANAGEMENT AGENCY  
**county of ventura**



Planning Division

Keith A. Turner  
Director

17301  
17301



PUBLIC WORKS AGENCY  
TRANSPORTATION DEPARTMENT  
Traffic and Planning & Administration

**MEMORANDUM**  
July 13, 2000

July 17, 2000

K. Good/R. Tobin  
USDA/Los Padres National Forest

FAX #: (877) 703-2494

Subject: Roadless Area Conservation Proposal DEIS

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document.

Your proposed responses to these comments should be sent directly to the commentator, with a copy to Joseph Eisenhut, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Joseph Eisenhut at (805) 654-2464.

Sincerely,

*Keith Turner*  
\_\_\_\_\_  
Keith Turner  
County Planning Director

kvma\wpolwinward\te37-700

Attachment

County RMA Reference Number 00-058

**TO:** Resource Management Agency, Planning Division  
Attention: Joseph Eisenhut

**FROM:** Nazir Lalani, Principal Engineer *NL*

**SUBJECT:** Review of Document 00-058  
Draft Environmental Impact Statement  
Roadless Area Conservation Proposal  
Applicant: Los Padres National Forest  
6755 Hollister Ave., Suite 150  
Goleta, CA 93117

Lead Agency: USDA, Los Padres National Forest

The Transportation Department has reviewed the subject Draft Environmental Impact study for the Los Padres National Forest Roadless Area Conservation proposal. The United States Department of Agriculture (USDA) Forest Service is proposing to prohibit road construction and reconstruction in inventoried roadless areas within the NFS, unless for public health and safety. We offer the following comments:

1. The Transportation Department provides road maintenance for the following roads within the Los Padres National Forest:
  - Boy Scout Camp Road
  - Camino Cielo
  - Gridley Road
  - Lockwood Valley Road
  - Matilija Road North
2. These roads are not within the Los Padres National Forest but provide access to National or State Forest areas, as well as the primary means of access for local residents and businesses. These roads will need to be maintained and repaired/rehabilitated as necessary for public safety and necessary access:
  - Matilija Road South
  - Rice Road
  - Oso Road
  - Foothill Road, Ojai
  - Valley View Road
  - Santa Ana Road

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

- Avenal Road
- Koenigstein Road
- Goodenough Road
- Piru Canyon Road

3. The following roads provide access to the Santa Monica Mountains National Recreation Area from the Regional Road Network:

- Yerba Buena Road
- Potrero Road
- Pacific View Road
- Hidden Valley Road
- Carlisle Road
- Deer Creek Road

Any conditions which decrease the ability of the County to maintain these roads in a safe, useable condition would have an adverse impact on the physical and economic health of the region.

Please call me at 654-2080 if you have questions.

NL-RH-BE:aar

c: Rich Guske

file:///p:/transport/wpin/mcme0/00-058.doc

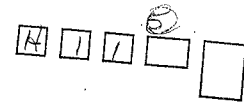


CITY OF BISHOP

P. O. Box 1236

377 West Line Street, Bishop, California 93514

City Hall (760) 873-5863 - FAX (760) 873-4873



July 17, 2000

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

SENT VIA TELEFAX

To Whom It May Concern:

**SUBJECT: COMMENTS ON NFS PROPOSED RULE**

I am opposed to the Roadless Area Proposed Rule, as it gives no latitude for future roading needs that are at this date not identified.

Please consider the following points:

1. The Multiple-Use Sustained-Yield Act of 1960 and the National Forest Management Act of 1976 direct that "National Forest System lands are to be managed for a variety of uses of a multiple-use basis to provide a continued supply of products, services, and values without impairment of the productivity of the land". Management of resources must consider all uses, including future uses not identified at this time. Management designed to provide a continued supply of products, services, and values does not constitute closing more of the forest lands to the public, but rather to develop guidelines that allow a variety of uses balanced with no impairment to the productivity of the land.
2. The Rule provides that "at the national level, the rulemaking would apply to all National Forest System lands and would prohibit road construction in almost all inventoried roadless areas, with a few limited narrow exceptions". This minimizes local forest planning efforts and closes a door that will be almost impossible to open. Appendix A, Table 1, page A-4, indicates 33% of National Forest System Lands are now closed to roads. Roadless areas remain roadless due to difficulties in developing facilities and roads in rugged terrain, and due to high cost of development. When future technology provides opportunity, and future population requirements mitigate these circumstances, Forest Service lands must be open for future planning and options.

7-2000 10:46 FROM CITY OF BISHOP TO 18777032494 P.02 17294

4 1 3 [ ] 3

43976

USDA Forest Service -CAET  
Page 2.  
July 17, 2000



"Ray Waller"  
<rwaller@sisqtel.net  
>  
07/16/00 03:21 PM

To: roadlessdeis@fs.fed.us  
cc:  
Subject: <no subject>

PROHIBITION ALTERNATIVES: I support Alternative 1 - No action/No Prohibition

PROCEDURAL ALTERNATIVES: I support Alternative D - Project-by-Project Analysis as  
Transition to Forest Planning Process at Next Plan  
Revision

Thank you for immediate consideration of these comments.

Sincerely,

*Kathryn A. Henderson*  
Kathryn Henderson  
Mayor

KH:dr

cc: Jerry Lewis, Congressman Inyo County  
John Doolittle, Congressman Mono County

As Mayor of Etna, California, a city that already has suffered greatly from closing down tree harvesting on the Klamath national Forest, I strongly oppose the The Forest Service Roadless Area Conservation Draft Environmental Impact Statement. That document of more than 700 pages was issued on May 11. This provides the City of Etna a mere 67 days to read and comprehensively review this document that will affect virtually all citizens within our community,

One section (entitled Ecological Factors) is extremely biased against roads and timber harvesting. The entire section focuses on the negative aspects of roads and timber harvest and rarely addresses the benefit of these activities, such as increased water for municipal use, irrigation, access for water related recreational activities and access for fire suppression.

The Biological Diversity section is flawed. It does not explain how roads or timber harvest impact biodiversity, only blanket statement that roadless areas support more. The analysis for biodiversity does not address the needs of individual species and makes it sound as though biodiversity does not occur outside roadless areas.

TOTAL P.02

0 1 3 5

44007



Ellen\_Rubinstein@ci.sf  
.ca.us  
07/17/00 12:13 PM

To: roadlessdeis@fs.fed.us  
cc:  
Subject: comments on EIS

Dear Sir/Madam,

I am writing to express my concern about the proposed Area Conservation Rule and Draft Environmental Impact Statement (EIS). While a road-building ban will effectively prevent commercial logging in some areas, it will allow logging in too many areas accessible by helicopters and equipment that don't require road access. Furthermore, the EIS does not include the Tongass National Forest in Alaska, does not prohibit logging within inventoried roadless areas, and provides no immediate protection for uninventoried roadless areas greater than 1,000 acres. It also doesn't protect roadless areas from mining, ski resort development, and off-road vehicles.

The Tongass is America's largest national forest and the heart of the last great temperate coastal rainforest on earth. I urge you to amend/change the current EIS language to address these concerns.

Sincerely,  
Ellen Rubinstein

-----  
Ellen Rubinstein  
Resource-Efficient Building Coordinator  
SF Department of the Environment  
1540 Market St. Suite 160  
San Francisco, CA 94102  
(415)554-6397, f. (415)554-6393

THE DEPARTMENT OF THE ENVIRONMENT'S MISSION IS TO IMPROVE, ENHANCE, AND PRESERVE THE ENVIRONMENT AND PROMOTE SAN FRANCISCO'S LONG-TERM ENVIRONMENTAL SUSTAINABILITY.

THE DEPARTMENT OF THE ENVIRONMENT SEEKS VOLUNTEERS AND INTERNS FOR HELPING IN THE OFFICE AND IN THE FIELD....(415) 554-6390