



## **Topic: Upper Tier Acres in the Proposed Colorado Roadless Rule**

### **Background and Purpose of the Upper Tier Acres:**

A Proposed Colorado Roadless Rule was initially released for comment in 2008 and had one set of management prohibitions and exceptions for all roadless acres. The Roadless Area Conservation National Advisory Committee (RACNAC) reviewed the proposed rule and made recommendations to the Secretary of Agriculture to make permanent, through the rule, existing forest plan prohibitions that were more restrictive than the 2008 proposed rule. In addition, some public comments received during the comment period for the 2008 proposed rule expressed concerns that exceptions could be allowed throughout roadless areas.

In response, the Governor's 2010 Petition contained an "upper tier" of all the acres that were more protective than the Petition in existing forest plans (257,000 acres), and eliminated some exceptions for road construction and tree cutting in those areas. In addition to the acres proposed in the 2010 Petition, acres in existing draft plans (the San Juan and GMUG National Forests) that had been previously proposed for higher levels of protection than the 2011 proposed rule were added. The San Juan, but not the GMUG has been through a formal forest plan comment period on these management prescriptions. In the current proposed rule, this results in a total of 562,200 acres (13% of the total CRA acres).

The Forest Service received additional public input on potential areas for upper tier protection from two user groups. Alternative 4 incorporates the total acres from these two proposals for a total of 2,614,200 acres in upper tier (62% of the total CRA acres). Each proposal overlaps with the other on 632,000 acres.

### **Summary of Proposed Rule Direction Within the Upper Tier:**

#### ***Tree Cutting Direction***

The proposed rule would prohibit tree cutting on the upper tier acres with two exceptions:

- Tree cutting is incidental to permitted uses
- Tree cutting is needed for personal or administrative use

#### ***Road Management Direction***

The proposed rule would prohibit new road construction in the upper tier acres with one exception:

- Roads needed for reserved or outstanding rights, statutes, or treaties (including CERCLA, Federal Highways).

**Changes from the 2008 Proposed Rule:**

- The 2008 Proposed Rule contained no provision for upper tier acres.

**Additional Information:**

- Alternative 2 upper tier acres were selected based on limited road construction in current or draft forest plans.
- Of the 562,000 upper tier acres in alternative 2, approximately 335,000 are also within the 2,614,200 acres of alternative 4.
- Analysis indicates in alternative 2, approximately 12% of the .5 mile community protection zone (CPZ) is within the upper tier acres and 13% of the 1.5 mile CPZ is within the upper tier acres. In alternative 4, these numbers increase to 48% and 52% respectively. This would limit treatments for hazardous fuel reduction and ecosystem maintenance and restoration within those areas to treatments that would not involve tree cutting or road construction.
- Alternative 2 upper tier acres contain no current oil and gas leases. Alternative 4 upper tier areas do contain oil and gas leases. The proposed rule would not change stipulations of existing leases.
- The North Fork coal mining area is not located within the upper tier in either alternative.
- Linear construction zone direction is no different in upper tier than in the non-upper tier.