Introduction

The letters in this volume were submitted by Federal, State and local agencies, and elected officials.[1] 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.

[1] 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 Received
Jul 17 2000

JUL 14 2000

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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

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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 fo 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 pages1-10 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. Kutzer

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

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UNITED STATES MARINE CORPS
MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER
BRIDGEPORT CA 93517-5001

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

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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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USDA United States Department of Agriculture
Natural Resources Conservation Service
Caribbean Area
PO Box 364868
San Juan, PR
00936-4868

14635

F 1 1 3

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

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The Natural Resources Conservation Service works hand-in-hand with the American people to conserve natural resources on private lands. AN EQUAL OPPORTUNITY EMPLOYER

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

FEDERAL RECYCLING PROGRAM PRINTED ON RECYCLED PAPER

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 statues 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.[1] *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

[1] 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(b). 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,..."[2] 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 45% 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.[3] 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.[4] 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.[5]

[2] The Merriam Webster Dictionary.
[3] Testimony of Mr. Frank Glatics, President of Independent Forest Product Association, before The House of Representatives Subcommittee n Rural Enterprises, Business Opportunities, and Special Business Programs, Tuesday, July 11, 2000. pp. 9-10.
[4] Id.
[5] 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.[6] 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[7]. 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.[8] 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.

[6] Id.
[7] 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.
[8] Testimony of Laura Skauer, 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

44072

BISHOP TRIBAL COUNCIL

44072

March 15, 2000

CAET RECEIVED
JUL 13 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

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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

USDA Forest Service - CAET

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".

K I C

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

T 1 1 5

July 14, 2000

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

CAET RECEIVED
JUL 17 2000

Dear Sirs:

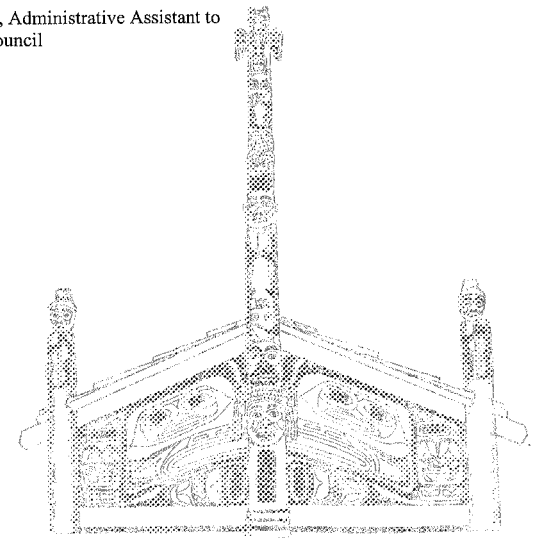
At a duly convened meeting on July 10, 2000, Ketchikan Indian Corporation Tribal Council authorized the submission of the attached Position Statement regarding the roadless.

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



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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

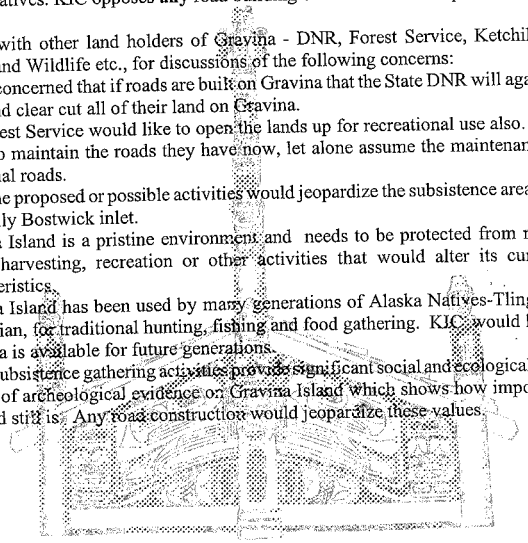
KIC Tribal Council would like to see Gravina Island remain a roadless area for the following reasons:

- 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

10116

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

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CAFT RECEIVED
JUN 29 2000

June 19, 2000

The Honorable Dan Glickman
Secretary of Agriculture
United State Department of Agriculture, Room 213-A
14th 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.

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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

06-21-2000 07:43 541 273 6496 JELD-WEN

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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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Jun-21-00 02:58p

7/17/2000 15:04 FAX 002

19309

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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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 N. Penney
Chairman

43977

I I 3 5

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

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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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44005

Sealaska
CORPORATION

T I I 5

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.

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JUL 17 2000

One Sealaska Plaza, Suite 400 · Juneau, AK 99801-1276 · Phone (907) 586-1512 · Fax (907) 586-1826

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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

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 HonorableSenator 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

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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

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

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 definedsteepness. In many instances bridges are designed and constructed with abuttments that are above stream banks. These and similarBMPs 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 etal[1], Martin[2], Murphy and Koski[3],, Murphy and Hall[4], Murphy and Meehan[5], Wipfli[6]).

[1] 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 thatroads 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 out of doors 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.

[2] Martin, D.J., M.E. Robinson and R.A. Grotefendt 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.

[3] 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.

[4] 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.

[5] Murphy, M.L. and W.R. Meehan 1991. Stream ecosystems. American Fish. Soc. Spec. Publ. 19: 17-46.

[6] 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.

JUL.14.2000 2:18PM 1 2 7 5 NO.443 P.2/3

43972

Sitka Tribe of Alaska

Tribal Government for 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.

456 Katlian Street • Sitka, Alaska 99835 • (907) 747-3207 • Fax (907) 747-4915

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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.**

Sitka Tribe of Alaska - Tribal Chairman

Attest:

Sitka Tribe of Alaska - Tribal Secretary

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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 *Wy-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 ≥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

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

DRAFT 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.

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E I I 5 Yes

Mr. Michael P. Dombeck
Chief
U.S. Forest Service
Department of Agriculture
4th Floor, Yates Building
201 14th Street SW
Washington, D.C. 20240

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Dear Mike:

I wanted to write to thank you and your agency for your efforts to date in gathering public input into the proposed roadless initiative. In Montana, you held nine public meetings around the state that were well attended, and generated numerous comments on the proposed scope of this initiative. It's my understanding that during the two months that you solicited input on the proposed scope of this proposal, you received over 500,000 comments throughout the country. This volume alone is a testament to the importance of this project, and the public interest in the task that you are undertaking.

As you know, I believe it is vitally important that the public be thoroughly involved in this process, and that the Forest Service listen to and respond to that input. In the end, the success of this initiative will turn largely on whether the Forest Service has fully engaged the public, and based its final decision on both the will of the people and on sound science.

Toward that end, it would be helpful for me and people in Montana if you could clarify the process that you will follow as you continue to review this proposal. Some individuals, including some public officials, have recently asserted that the Forest Service has completed the public involvement phase of this project. Those same people have argued that since the Forest Service has not been able to provide a detailed analysis of the scope of the roadless initiative, the public has not had a meaningful opportunity to participate in this process.

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Initial: KH
Control No: 4149783

BILLINGS (406) 657-6790 | BOZEMAN (406) 586-6104 | BUTTE (406) 782-8700 | GREAT FALLS (406) 761-1574 | HELENA (406) 449-5480 | KALISPELL (406) 756-1150 | MISSOULA (406) 329-3123

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of proposals. It is my understanding that the Forest Service is actually at the front end of a process during which additional information on this proposal will be compiled and released to the public, and during which time the public will have additional opportunities to review this information and help shape the final outcome.

In an effort to clear up any confusion that may exist, please specify for me the process that you will follow for the duration of this review process. Specifically, please detail the opportunities that the public will have to review more detailed information regarding this proposal, and the opportunities that the public will have to comment on this proposal.

Also, if you are not already planning on doing so, please plan on holding additional public meetings in Montana and in other states that contain roadless lands so that local citizens will have ample opportunities to meet directly with Forest Service officials on this matter.

I appreciate your assistance and look forward to working with you and the public as we continue to evaluate this proposal.

With best personal regards, I am

Sincerely,

Max Baucus

MSB/bk

19289

OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

July 17, 2000

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

Dear Project Leader – USFS Roadless Areas Proposed Rule

The following are the State of Montana's comments on the United States Forest Service (USFS) Roadless Area Conservation Draft Environmental Impact Statement (DEIS).

Our comments will address five main areas of concern: 1) the impact of designated "inventoried roadless" areas on the state's ability to acquire access and manage adjacent Montana School Trust Lands; 2) the cumulative impacts on Montana School Trust Lands of USFS "unroaded" acres that have the potential to be managed as "inventoried roadless" areas; 3) the inconsistencies between the current public involvement process and the recommendations found in the Committee of Scientists' report titled, *Sustaining the People's Lands*; 4) the potential impact of "inventoried roadless" areas to forest health and fire suppression capabilities; and 5) the impacts and benefits to managing Montana's fish, wildlife, and recreational resources. Prior to addressing these points, we want express concerns over broader issues.

Unfortunately, the DEIS is a top-down approach with insufficient consideration given to the larger and most important issue facing our national forest system, namely forest health.

An April 1999, General Accounting Office (GAO) report stated that many of the national forests in the interior West are increasingly threatened by the substantial possibility of large, catastrophic wildfires caused by the excessive accumulation of vegetation that forms

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fuels for such fires. The Forest Service has agreed to the findings of the GAO report which reveals that 39 million acres of national forests in the interior West are at a high risk of catastrophic fire. Yet, precious little has happened on the ground to address this crisis.

Our national forests need management, they need to be cared for, they need stewardship. This is precisely what we do on State forests in the state of Montana with great success. Like the Federal government, there is appropriate environmental analysis required under Montana law before management activities can occur. And yet, the Montana Department of Natural Resources and Conservation, based upon objective comparisons, out-performs the Forest Service in fulfilling virtually the same responsibilities. A report by the Political Economic Research Center states, "A study by Don Leal (1995) shows that state timber land managers generate greater receipts at lower costs than federal timber managers while being more environmentally sensitive."

Just as importantly, massive fires can have exceptionally negative impacts on wildlife habitat and fisheries. As well, with extraordinary forest fire activities, air and water quality will suffer through smoke, soot and soil erosion.

Paranthetically it is important to note that if federal laws are precluding our national forests from being managed appropriately, then we, collectively, need to address those laws and make the revisions necessary to fulfill our stewardship responsibilities.

Some of my western colleagues and I have urged the Administration, on numerous occasions to ensure the formulation and analysis of alternatives in this EIS are not limited to only one aspect of forest and watershed health, namely roadlessness. Instead, we strongly believe that there are additional issues profoundly influencing forest health and the sustainability of our communities that must be analyzed simultaneously. The issue of roadless areas, although clearly important, is only one aspect of the larger issues of forest health and watershed health, and any realistic examination of that issue must also inescapably consider the larger picture.

Clearly, roadless areas in our national forests can provide significant benefits for both fish and wildlife and for a variety of recreational opportunities. This is particularly important for native species, which have declined within their ranges in comparison to their historical numbers.

Species currently listed as threatened include the grizzly bear, lynx, and bull trout. Larger blocks of roadless areas clearly can provide secure more habitat and typically higher water quality for these species, as well as create a refuge from which they can colonize into other areas more acceptable from their habitation.

Additionally, roadless areas provide security for game species such as elk, mule deer and mountain lions. The Montana Department of Fish, Wildlife and Parks (FWP) Commission

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policy calls for FWP to promote maintenance of key unroaded areas that provide important elk security and offer back country or roadless area recreation. Such security allows for maintaining more days afield for hunters while maintaining a greater age diversity of the game species for both ecological and quality of experience benefits. Roadless areas can also be important for elk calving grounds and winter ranges. Loss of elk security has also resulted in dispersal of elk on private property causing conflicts with agriculture producers.

Roadless areas can also be important in maintaining watershed values. Species like bull trout and cutthroat trout are particularly sensitive to changes in sediment levels, temperature and stream flows, which affect water quality. Maintenance of key roadless areas can help conserve these native species, promote the recovery of listed species and prevent other species from being listed.

However, the top-down approach prescribed in this DEIS leaves little room for thoughtful consideration of how to address with equal force the important issues of forest health, wildlife and fisheries habitat, and the economic stability of western communities all of which are inextricably interwoven.

Montana School Trust Lands

The Montana Department of Natural Resources and Conservation (DNRC) is the Montana state agency mandated to manage approximately 5.2 million surface acres of school trust lands to generate revenue for trust beneficiaries, namely Montana's schools and students. The primary land management emphasis for the 620,000 acres of forested lands is timber management in a manner consistent with biodiversity imperatives mandated by our State Forest Land Management Plan. In managing these state lands, and because of land ownership patterns, DNRC frequently cooperates and coordinates with the Forest Service and other federal agencies involving a variety of management activities including wildfire protection, access issues, cooperative policies, and training programs. Continuing to maintain cooperation with the Forest Service on road management issues is of essential importance to the State of Montana in order to access timber lands, achieve protection of federally listed threatened and endangered species, sensitive species, and to maintain recreational opportunities and water quality.

DNRC has identified and mapped all school trust lands that are contiguous to Forest Service lands that are inventoried Roadless areas where the Forest Service presumably will not allow road construction or road reconstruction, roadless lands, and those lands that are recommended for wilderness designation. This information was developed through use of GIS ownership information overlaid on the USFS IRA GIS maps, which was then visually reviewed for accuracy. This process identified approximately 20,961 acres of forested trust lands with about 98,634 MBF standing volume, worth approximately

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$18,160,000 that would be impacted in some way by the Roadless Area Proposed Action (see attached map). The majority of these acres are located in Southwest Montana (~ 9,500 acres), followed by Northwest Montana (~8,000 acres), and Southeastern Montana (~3,500 acres).

While only two and 1/16 sections (14N, 22W, S16; 22N, 29W, S36; and 22N, 29W, S16) or about 1,320 acres have been identified as very likely to be inaccessible due to the being completely surrounded by roadless designations, the additional 19,680 acres of school trust lands are directly contiguous to proposed inventoried roadless areas (IRA). If the Forest Service adopts the preferred alternative, this close proximity to roadless areas will likely bring about public and political expectations for how those adjacent school trust lands should or should not be managed. While we do not have costs calculated for the additional public process and mitigation that would likely be required to manage these adjacent school trust lands, I surmise that they could pose a significant burden to the trust beneficiaries.

The DEIS states that 'non-federal partial interests in lands include rights granted pursuant to a reserved or outstanding right or as provided in statute or treaty and then references the federal Alaska National Interest Lands Conversation Act of 1980 (ANILCA). The DEIS also states that "ANILCA ensures access to private land in-holdings. Landowner access need not be the most direct, economical, or convenient route for the landowner." However, the DEIS does not specifically reference the unique nature of state school trust lands, nor does the document explain how access to state lands will be treated under this nation-wide project. In fact, in the 300 plus page DEIS "school lands" are not mentioned once, even though it was the primary concern and impetus for Montana's participation as amicus in the case of Idaho v. USFS. Currently, the State of Montana is experiencing substantial problems and delays in obtaining access to State school trust lands over Forest Service lands, despite ANILCA.

Also, it is worth mentioning that utilizing private property to access state lands may not always be a possibility or the most environmentally sound access route.

Cumulative Impacts of the National Road Management Strategy

We have concern over the impacts of additional "unroaded" areas as defined in the National Forest System Road Management Strategy which were not fully analyzed as part of the DEIS.

Forest Service Manual (FSM) 7710 – Transportation Atlas, Records, and Analysis – Federal Register, Vol. 65, No. 43, Friday, March 3, 2000, Notices, page 11691, Item 2(a)(2 & 3) defines "unroaded" areas. In accordance with the proposed revision:

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"Unroaded portions of roadless areas identified in existing land and resource management plans that lie one-quarter mile or more beyond any existing classified road, and"

"Unroaded areas of more than 1,000 acres that are contiguous to remaining unroaded portions of RARE II inventoried roadless areas or contiguous to areas inventoried in land and resource management plans, contiguous to congressionally designated wilderness areas or Federally-administered components of National Wild and Scenic River System classified as Wild, or contiguous to unroaded areas of 5,000 acres or more on other Federal lands. These areas of 1,000 acres or more must have a common boundary of considerable length, at least one-quarter mile width, and provide important corridors for wildlife movement or extend a unique ecological value of the established inventoried area. ...Road construction in roadless and "unroaded" areas and generally reconstruction in those areas will constitute a significant environmental effect...and will require the preparation of an environmental impact statement."

Page 2-2 of the Roadless Area Conservation DEIS defines "unroaded" areas as "areas without the presence of classified roads, which are of a size and configuration sufficient to protect the inherent characteristics associated with their unroaded condition. These areas have not been inventoried and are therefore separate from inventoried roadless areas." (emphasis added.)

Table 3-1 on page 3-3 identifies 5.827 million acres of inventoried roadless areas in Montana. The cumulative impact of the additional "unroaded" acres, which {in accordance with Federal Register, Vol. 65, No. 43, Friday, March 3, 2000, Notices, page 11691, Item 2(a)} would require "a *compelling need* to propose construction/ reconstruction of roads in the following roadless and 'unroaded' areas," was never analyzed nor even identified.

By applying the definition of "unroaded", as defined in the Road Management Strategy, DNRC calculated that an *additional* **124,217** acres of USFS forest land in Northwest Montana alone (Kootenai, Flathead, and part of the Lolo N.F.) would qualify as "unroaded," and therefore be subject to the same management restrictions as inventoried roadless areas. Our analysis does not include the additional "unroaded" acres that will be managed as roadless in the other National Forests in Montana due to the short time period for comment.

An ***additional* 20,442** acres of Montana School Trust Lands containing 150,000 MBF of volume standing timber valued at $29,237,733 would be impacted in Northwest Montana by "unroaded" areas in the manner previously described.

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We were unable to conduct this "unroaded" analysis for the entire state due to the lack of information provided and the abbreviated comment period. However, with the information we have compiled to date for this one area of Montana, the total effect of adding "other unroaded areas" more than doubles the impact on Montana State trust lands, increasing total acres impacted from 20,961 to 41,403 with a standing volume of 248,525 MBF, valued at **$47,397,698** for our school trust.

The Forest Service has three ongoing rule proposals, ICBEMP, the Road Management Strategy and the Roadless Area proposal, which are all 'related' proposed rules, regarding roads and "unroaded" areas. Without one comprehensive document the three related, but separate proposals, confound the public's understanding of the overall effects on forest management. Under prevailing case law and the National Environmental Policy Act, separate policies in this situation are a facial violation of the intent and scope of the law. Thus, if the Forest Service continues with these proposals, the Service should write an overarching EIS addressing and harmonizing all three proposals.

To add to the level of misunderstanding, the Forest Service is also using three differing definitions of "unroaded" within the three rule proposals. The definitions provided in the Roadless EIS and the Road EA each differ and vary from the overarching Forest Service Manual definition. We question whether all of these "unroaded" areas, depending on the definition, will eventually be considered in the Roadless proposal. Under the rule proposals of ICBEMP and the Road EA, additional lands will be ruled "unroaded" and roadless in the future, thus drastically increasing the amount of lands that are presently not considered under the Roadless proposal. The Forest Service apparently recognizes this effect, as it understands generally that the three proposals are "closely related".

Each of the ongoing three proposals individually impact national forest road construction, road repair and road decommissioning, along with protecting unroaded and roadless areas. However, the cumulative effects and synergy of all three proposals together is obvious from their elements of timing, scope of regions and overlap. We are concerned that the segmentation of each proposal limits the overall analysis of the environmental and economic effects on the forests' health and long-term planning. The segmentation of three 'related' proposals is contrary to NEPA requirements and we believe that the Forest Service must perform an overall analysis and EIS that addresses the cumulative road management impacts from all three considered actions under NEPA.

The illustration of segmentation is described as follows: "scattered bits of a broken chain, some segments of which contain numerous links, while others have only one or two. Each segment stands alone, but each link within each segment does not." See Sylvester v. U.S. Army Corps of Engineers, 884 F.2d 394 (9th Cir. 1989). The comprehensive impact of all three Federal actions requires an EIS be prepared to address the "unroaded" lands added

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to the Roadless proposal from the two other Forest Service rule proposals.

The Supreme Court has held that section 102(2)(c) of NEPA, may require a comprehensive impact statement in certain situations where several proposed actions are pending at the same time. Kleppe v. Sierra Club, 427 U.S. 390 (1976). Congress intended this to be an "action forcing" provision serving as a directive to agencies "to assure consideration of the environmental impact of actions in decision-making." Id. at 409. "When several proposals for related actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together. Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action." Id. at 410. As Chief Dombeck has noted, the proposals in question are interrelated, there "will be some overlap as we pursue these two separate but closely related actions." Testimony of Michael P. Dombeck before the Subcommittee on Forests and Public Lands Management, Committee on Energy and Natural Resources, United States Senate, November 2, 1999. All three proposals will affect to some extent "unroaded" areas, and geographically the areas are overlapping or identical in part.

After Kleppe, the CEQ issued regulations to define when a multitude of connected actions should be considered under one EIS. See Thomas v. Peterson, 753 F.2d 754, 758 (9th Cir. 1985). Under 40 C.F.R. 1508.25, connected, cumulative and similar actions trigger an EIS over all such actions. The regulation points out the following:

> (a) Actions (other than unconnected single actions) that may be (1) Connected actions, which mean they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) automatically trigger other actions... (ii) cannot proceed unless other actions are taken ... (iii) are interdependent parts of a larger action and depend on the larger action for justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as time or geography.

NEPA require,s under 40 C.F.R. 1508.25(a), that agencies consolidate the analysis of interdependent, cumulative actions in a single EIS. It is clear that if the Service continues with these proposals, the lands affected under ICBEMP, the Roadless and Road Management proposals will be focused upon and will impact identical regions in Montana. Therefore, the proposals are so closely tied together that one document is required under NEPA to avoid isolated consideration of the cumulative effect of the 'similar actions' in time and geography of the roadless and road management proposals. The two prongs of

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cumulative actions and similar actions are met by the Roadless and Road Management proposals, and to a lesser degree the ICBEMP proposal with foreseeable impacts in geography and time.

The Road Management proposal's action is cumulative in conjunction with the Roadless proposal, as additional "unroaded" lands will be added to the Roadless proposal before the Roadless FEIS is completed. As acknowledged earlier, under the current Roads Strategy EA this will increase the total School Trust acres impacted from 20,961 to 41,403 in Northwestern Montana; clearly, a significant cumulative impact that should be discussed in the same impact statement. Additionally, the road management proposal is an action similar to the Roadless proposal as both are currently on similar timetables, with both expected to be done by next fall and covering the same general geography.

Under NEPA at 40 C.F.R. 1502.4(b), EIS preparation should include "statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decision making . . . including actions in the same general region geographically and with relevant similarities of timing, impacts and methods of implementation generically." As already discussed, the Forest Service as an agency is planning a policy of "unroaded" lands in three proposals that are on similar time lines, impact similar roads and "unroaded" lands (creating more "unroaded" lands in all three proposals through decommissioning) and in the same general region. The Forest Service's approach of "merely announcing" impacts to the roadless proposal from the other proposals does nothing to address the inter-regional cumulative impacts as is required by law. See Natural Resources Defense Council, Inc. v. Hodel, 865 F.2d 288, 299 (D.C. Cir. 1988). The Road Management Strategy's EA on page 5 states, "the effects of the road management strategy on roadless or other unroaded areas would be short term; long-term effects of additional projections in roadless and often unroaded areas will be addressed with EIS for the proposed Roadless Area Protection Rule."

We question whether the DEIS is addressing "unroaded" areas discussed in the Roads EA. Rather, the Forest Service has failed to indicate it will include these decommissioned roaded areas in the EIS, while in reality the areas may likely be incorporated in the FEIS, without comment or overall impact analysis. The synergistic relationship between the Road Management Strategy and Roadless proposal is facially obvious from the Roads' EA background, purpose and need sections as quoted above.

Finally, the argument that all three proposals are completely independent fails. This is due to the fact that the Forest Service must look at both connected and unrelated, but reasonably foreseeable, future actions which may result in the cumulative impact of creating more roadless lands, not described in the current DEIS Roadless proposal. See Save the Yaak Committee v. Block, 840 F.2d 714 (9th Cir. 1988). In fact, the Road

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Management Strategy EA acknowledges on page 1 that the roadless initiative and other proposed rules "although released separately, all of them are in some way directly or indirectly related to each other and to this proposed road management strategy." As evidence that the actions will have foreseeable future cumulative impacts, the EA continues on page 1, "Because of the release of these other proposed and final policy changes, the need and scope of the road management strategy is not more narrowly focused than the Forest Service's original proposal . . . for roadless, and unroaded areas, the strategy is in effect only until the Roadless Area Protection Rule is issued and forest plans are revised." How is the argument feasible that the Road Management Strategy is not dependent on the Roadless policy, after reading the Forest Service's statements in the EA?

The Road Management Strategy, ICBEMP and the Roadless proposal are links in the Forest Service's policy to decommission roads, and create and sustain more roadless areas. These links rely on one another as stated in the EA and by the Forest Service's admission of 'related' proposals. One EIS is required under the law and NEPA to provide the public a meaningful and thoughtful opportunity to comment on the environmental impacts of such 'related' proposals and their cumulative impacts.

NEPA regulations (40 CFR 1508.25) require the analysis of connected and cumulative actions. However, while referenced in the DEIS, it is not apparent that the cumulative or connected impacts of the Road Management Strategy were analyzed when conducting the effects analysis. This would lead us to question whether the economic and social effects of the proposed action in the DEIS (pp. 3-184 through 3-222) were underestimated and not adequately portrayed.

The DEIS only explains that in addition to the proposed Roadless Area Conservation Rule, two related rulemaking efforts "seek to provide for long-term environmental sustainability, ensure collaboration with the public, integrate science into the process and incorporate new information opportunities. Recognition that all three "rules might have a cumulative impact on final form" does not specify the effects nor address the additional "unroaded" areas included in the FEIS.

Given this lack of appropriate analysis, we request that the Forest Service supplement the DEIS with the cumulative effects of the additional "unroaded" areas in Montana and elsewhere in the United States that are prescribed in the Road Management Strategy EA and mentioned on page 2-2 in the DEIS.

Inadequate Public Involvement Strategy

We are extremely disappointed in the public involvement strategy that was utilized to

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conduct this EIS process. We continue to believe that the Forest Service should have responded positively to requests of Montana and other states for cooperating agency status under NEPA. Montana has yet to receive a formal response to our request to be designated a cooperating agency. In addition, the DEIS does not even acknowledge that these requests were made.

Montana provided formal comments to the notice of intent on December 20, 1999. Within those scoping comments, I formally requested that the Forest Service designate Montana as a cooperating agency under NEPA and 40 C.F.R., 1500-1508. After careful consideration, we believed that it was vitally important to the resources within Montana and our communities that we assume that role. We continue to subscribe to that view.

Montana is not being presumptive in that regard. A memorandum dated July 28, 1999, to the directors of federal agencies from George Frampton, Chairman of the President's Council on Environmental Quality, states:

> *"The purpose of this Memorandum is to urge agencies to more actively solicit in the future the participation of state, tribal and local governments as 'cooperating agencies' in implementing the environmental impact statement process under the National Environmental Policy Act (NEPA). 40 C.F.R., 1508.5. As soon as practicable, but no later than the scoping process, federal agency officials should identify state, tribal and local government agencies which have jurisdiction by law or special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires the preparation of an environmental impact statement."*

The memorandum closes by stating,

> *"Considering NEPA's mandate and the authority granted in federal regulation to allow for cooperating agency status for state, tribal and local agencies, cooperator status for appropriate non-federal agencies should be routinely solicited."*

While Montana has not been solicited to serve as a cooperating agency, nor has its request to be a cooperating agency been approved, denied, or even addressed, it continues to be important and appropriate for Montana to assume this important role.

Within information on the Forest Service website at the time of the scoping process regarding why the agency was undertaking this EIS process it states that, *"There is strong public sentiment for protecting the benefits of these areas, such as clean water, biological diversity, wildlife habitat, and dispersed recreation."* If these are the areas upon which the document is to focus, which clearly they are, then Montana has at least shared legal authority over most if not all of these issues.

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States have concurrent jurisdiction over many issues, and primacy over many others that are inextricably interwoven into and incapable of separation from any realistic examination of the roadless area issue.

The federal government, through the U.S. Environmental Protection Agency, has delegated authority to the Montana Department of Environmental Quality for enforcement of the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act.

With regard to fish and wildlife, states in our union are the managers of these species, unless they are listed under the federal Endangered Species Act or inhabit specific federal lands, like national parks and national wildlife refuges. Montana manages fish and wildlife on Forest Service lands.

In other publications by the Forest Service at the time of scoping, invasive species, recreation, fire and economic issues were mentioned. These issues are discussed within the EIS. Because Montana state government has been working with our federal counterparts and counties on weed control and other invasive species issues, like non-native fish, coordination under this EIS would appear to be vital.

Also, the Montana Department of Fish, Wildlife and Parks works with local Forest Service officials on recreation management plans and allocates financial and staff resources to the Forest Service in this regard.

In addition, we have a cooperative approach with the Forest Service, Bureau of Land Management and the Montana Department of Natural Resources and Conservation in coordinating fire suppression and related activities. Management decisions on federal lands may impact state and private lands within Montana as well.

Last, with regard to possible economic impacts that various alternatives could have on local communities, we are in a position to provide information concerning labor, wage, and taxation statistics or other relevant analysis to help decision makers within the Forest Service.

We fully recognize that cooperating agency status does not give Montana any decision making authority under this EIS. However, if it is truly the intent of the Forest Service to include state and local governments in the process of environmental analysis, which is the goal clearly articulated in the CEQ memorandum, NEPA and the CFR, then cooperating agency status should be granted to Montana and any other state requesting such status.

At the end of February, some of my western colleagues and I had an opportunity to meet with George Frampton, Undersecretary Jim Lyons and Chief Mike Dombeck. During this meeting, the Administration's officials expressed their belief that if cooperating agency status was granted it would greatly increase the workload for the Forest Service. As many

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of my colleagues and I have stated, we do not believe that the convenience of the Forest Service is a substitute for appropriate NEPA review and analysis.

As a result of this meeting, western governors received a written response from Undersecretary Lyons and Chief Dombeck. The letter outlines an informal process in which the federal agencies may consider information from states, yet the letter does not address the issue of cooperating agency status.

We have had substantial reservations about this initiative from the beginning. In our view, the Notice of Intent (NOI) published in the fall of 1999, did not contain information describing which roadless areas were being considered and therefore, states could not fully evaluate the NOI nor participate in a meaningful way in the abbreviated scoping process. As an example, at the time of the scoping process we could not fully determine what parcels of state lands could be affected. To date not all the affected lands have been identified due to incomplete information in the DEIS.

As a result of concerns with the scoping process, the State of Idaho filed a lawsuit against the U.S. Forest Service focused upon the NOI to prepare an environmental impact statement. On February 7, 2000, Montana joined that lawsuit by filing an amicus brief in support of Idaho's lawsuit.

The U. S. District Court for the District of Idaho found that there has been "no final agency action" and therefore the Court did not have jurisdiction over the state's claims. The Court, however, said, *"When areas contemplated to be roadless are not defined or shown by way of maps or otherwise illustrated, one does not have to be learned in the law to determine the public's participation will hardly be 'meaningful.' The State's concern over access to and management of its endowment and state forest lands that may be surrounded by national forest land are legitimate concerns of state and local governments and its citizens."*

The Court continued by stating, *"The sheer magnitude of this governmental action involving 40 to 60 million acres nationwide that precipitated 500,000 comments in 60 days is the best evidence the Forest Service should proceed with caution. Time is not of the essence on an issue that has been studied for over 30 years".*

Reference to this litigation is made with the hope that the Forest Service and the Administration will carefully consider the Court's statements regarding 'meaningful' participation.

The way in which this initiative has unfolded gives me great pause. Page 1-5 of the DEIS states, "It became clear that local planning efforts might not adequately recognize the national significance of roadless areas and the values that they represent...." This ignores the recommendations of the Committee of Scientists, appointed by the Secretary of

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Agriculture, that are outlined in the report titled, *Sustaining the People's Land* (1999).

Dr. Julia Wondolleck, the public participation and dispute resolution expert on the Committee of Scientists, emphasized the role of collaboration in designing public participation strategies throughout the Committee's report. Page 121 of the report states:

> "...this approach [collaborative-planning] moves well beyond the notions of public participation as simply distinct stages in an otherwise technical process. It also moves beyond an expert-driven model of planning wherein narrowly focused analysis considers a range of alternatives all within a single-agency context. ...collaborative planning requires a more complex model of both democratic processes and scientific engagement than past planning efforts."

Page 131 of the report goes on to state:

> "Our proposed collaborative-planning process rests on strong principles of democratic participation in planning and decision making. Public deliberation is a concept that expresses the democratic ideal of self-governance. In a collaborative-planning process, participants include: other agencies, other *governments*, tribes, interested organizations, communities and citizens. ...A collaborative-planning process rests on continuous, open participation by all stakeholders, interested parties, and the public. Simply providing issues for consideration or comments on proposals is *nowhere* near sufficient for a collaborative-planning process."

Several other authors (Wondolleck 1985, 1988; GAO 1997; Blahna and Yonts-Shepard 1989; Moote and McClaran (1997); and Kessler et al. 1992) have documented the inadequacies and shortcomings of the current public involvement and decision-making framework utilized by the Forest Service and other governmental agencies, and cite the lack of public involvement during the mid-level planning period (alternative development stage) of the environmental impact statement (EIS) process as a main problem.

According to Wondolleck (1988), the decision-making process is extremely politicized and is inadequate in addressing the concerns of conflicting interest groups. Wondolleck (1988:107) states, "...no mechanism is available to resolve disputes; no process exists to accommodate the interests at stake." Wondolleck (1985:342) further argues, "The first question that any decision makers should ask themselves when confronting a complex situation is not what is the proper allocation of resources in this situation or what should we decide? But instead, *how* should we make such a complex, difficult and controversial decision?" The General Accounting Office (1997:45) pointed out that, "The public has expressed its desire to become more involved in the Forest Service's decision-making and has demonstrated its preference for presenting its concerns, positions, and supporting

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documentation during, rather than after the agency's development of proposed forest plans and projects." Kessler et al. (1992:223) observed that, "Current conflicts in national forest and grassland management show that the prevailing version of multiple-use management does not adequately involve people in the decisions that affect them."

The lack of public involvement in the forest planning process has led directly to appeals and litigation, which have caused gridlock with regard to the Forest Service and other agencies being able to meet their management objectives (Wondolleck 1988; GAO 1997). As stated in a recent GAO (1997:59) report, "The Forest Service is increasingly unable to avoid, resolve, or mitigate conflicts among competing uses on national forests by separating them among areas and over time." GAO (1997) has attributed the gridlock in the decision-making process to increased legislation that emphasizes sustaining wildlife and fish, juxtaposed against legislative incentives emphasizing timber harvest. Wondolleck (1988:70-71), however, finds three main reasons why the decision-making process fails to address concerns of competing interests: 1) the process is not sufficiently informative or convincing – information and data analyses rarely indicate one correct choice; 2) the process is divisive – it encourages adversarial behavior by different groups; and 3) the process is not decisive – the decision made by the Forest Service rarely ends the controversy.

On the other hand, collaboration allows competing stakeholders to work together at finding creative solutions to problems that previously may have been unsolvable. Use of effective collaborative processes has the ability to minimize or eliminate charged disputes caused by changing legal, economic, or ecological boundaries (The Keystone Center 1996). The belief is that stakeholders have more time and interest vested in solutions that they create; therefore, they are less likely to appeal the outcome of a collaborative-based decision (Wondolleck 1996, Daniels et al. 1994).

Consensus-building efforts require informal face-to-face interaction of stakeholders, or their chosen representatives, who seek win-win solutions, often with the assistance of a facilitator (Susskind and Cruikshank 1987). Susskind and Cruikshank (1987:13) believe that collaboration may be the only way to address the inadequacies of the current federal decision-making framework.

On a related note, the DEIS specifically prohibits exemptions or exclusions of specific areas which were requested during the scoping process. The reason stated is that it would be a "unmanageable" due to the large number of requests during scoping. How can Federal agency decision makers and the public know the impacts of such the alternatives when they have not been compiled or disclosed. An example is the Treasure Mountain Ski Area which is proposed on the Kootenai National Forest. This project has received a federal grant from the Economic Development Administration but is now in jeopardy due

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to the roadless initiative.

Given the widespread availability of this public involvement literature, as well as the recommendations from the Committee of Scientists, it is remarkable that the Forest Service would not employ the public involvement concepts associated with collaborative planning and public deliberation.

Forest Health and Fire Protection

As referenced earlier, an April 1999 General Accounting Office (GAO) report states that many of the national forests in the interior West are increasingly threatened by large, catastrophic wildfires caused by the excessive accumulation of vegetation that forms fuels for such fires. The Forest Service has agreed to the findings of the GAO report, which reveals that 39 million acres of national forests in the interior West are at a high risk of catastrophic fire. As earlier comments pointed out our concerns with this Roadless EIS are that forest health is not considered and that in fact this plan would decrease the State of Montana's ability to defend our citizens and communities from wildfires. Our ability to suppress these wildfires is hampered by the proposed Roadless DEIS.

Currently, our state wildfire suppression tactics are geared primarily toward an engine response method of operation for most initial attacks in both direct protection and within the state/county cooperative program. Needless to say, this requires that our firefighters be able to respond to fires utilizing an extensive network of roads. We do supplement our engine response resources with helicopters where access is limited or a quicker response is required, due to specific conditions that may exist, such as the lack of roads, extreme fire danger, or high value resources being threatened. The use of engines is usually much more economical then helicopters, but we are still able to meet our requirement that we keep 95 percent of our fires under 10 acres in size. The reduction in the available or existing road network in our response area would require us to consider increasing our use of helicopters for an exclusive aerial response in roadless areas. This would substantially increase our initial attack costs because of the need to increase the use of helicopters, which are approximately four times as expensive to operate as an engine. Our helicopters are currently utilized to ferry crews and water to attack a fire. Under this proposed action within the EIS, due to the reduced options, consideration would have to be given to developing a rappel program to protect an increase in roadless areas. The rappel program would come at an additional cost and place firefighters within close proximity of a fire without landing. Our existing helitack system requires the helicopter to find a safe landing area that may be some distance from the actual fire.
There is the possibility we might be increasing our use of other aerial delivered resources if roadless areas are increased. We may need to utilize increased amounts of aerial delivered retardant to slow the spread of a fire until we could get ground crews to the fire

19289

or we may increase the use of smoke jumpers from the Forest Service. The cost of using either aerial delivered retardant or smoke jumpers goes up significantly over our current use of engines as our primary initial attack response.

The bottom line is that we would either have to adopt the use of higher cost initial attack resources to maintain our current response capabilities or inform landowners that resource losses may increase. Once again, we feel that the DEIS is deficient in addressing either of these concerns as they would affect both state and federal fire-fighting abilities.

Trails, Wildlife and Fishery

Roadless areas also provide areas to recreate by trail and off-trail users seeking experiences not associated with roads. The DEIS does not indicate how the decions would or could impact the State's Trail Program, which allocates grants for trail-related maintenance and development. We ask that a coordinated State-Forest Service approach be emphasized in analyzing appropriate use of these funds in both roaded and roadless areas.

In addition to the earlier comments on roadless benefits to wildlife and fisheries, we would add that the ability to continue to manage habitat in roadless areas is important. Natural or prescribed fires or timber removal via helicopter or other non-roaded means can reduce the potential for catastrophic fire and provide protection for our watersheds.

We believe it is important to have a statement that clearly defines the states' role in wildlife management on Forest Service lands as it relates to roadless issue analysis. The statement should include the need for coordinated efforts in determining habitat needs for wildlife species. The DEIS mentions the relationship with the U.S. Fish and Wildlife Service, but does not address state coordination at a recognizable level.

Conclusion

Although we do recognize some of the benefits of the outlined goals associated with the Roadless Area Conservation DEIS, particularly to our water, fish, and wildlife resources, we feel that the Forest Service should slow this process down and more thoughtfully address the concerns identified in this letter including the ultimate goal of preserving forest health.

In particular, we recommend that the Forest Service conduct a Supplemental DEIS (as was done in the Interior Columbia Basin Ecosystem Management Project) to address the following: the cumulative impacts of the Road Management Strategy EA and ICBEMP EIS; the implications of the new Planning Regulations which emphasize the role for

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July 17, 2000
Page 17

collaborative-planning; and the costs that inventoried roadless and unroaded areas pose to state trust lands and wildfire suppression. I strongly recommend that the Supplemental DEIS be conducted in a fashion that is consistent with the collaborative-planning principles outlined by the Committee of Scientists. This will ensure that "communities of place" will have an appropriate voice in the management of the National Forests in which they live, work, and recreate. A more balanced process that identifies opportunities for employment and recreation should be juxtaposed against concern for protection of resources. The focus of the Supplemental EIS should be more akin to the Interior Columbia River Basin EIS, which acknowledges the role of humans in the ecosystem and identifies opportunities for management as well as resource protection.

Thank you for your consideration and the opportunity to comment.

Sincerely,

MARC RACICOT
Governor

Enclosure

19289

July 17, 2000
Page 18

Literature Cited

Blahna, Dale J. and Susan Yonts-Shepard. 1989. Public involvement in resource planning: toward bridging the gap between policy and implementation. Society & Natural Resources. 2:209-227.

Committee of Scientists. 1999. Sustaining the people's lands: recommendations for stewardship of the National Forests and Grasslands into the next century. U.S. Department of Agriculture, Forest Service. Washington, D.C. 193 pp.

Daniels, S.E., Walker, G.B., Boeder, J.R., and J.E. Means. 1994. Managing ecosystems and social conflict. Volume II: ecosystem management: principles and applications. M.E. Jensen and P.S. Bourgeron (Eds.). U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. Gen. Tech. Rep. PNW-GTR-318. 376 pp. ecosystem-based management. Environ Impact Assess Rev. 16:71-102.

Kessler, Winifred B., Salwasser, Hal, Cartwright, Charles W., James A. Caplan. 1992. New perspectives for sustainable natural resources management. Ecological Applications. 2(3):221-225.

Moote, Margaret A. and Mitchel P. McClaran. 1997. Implications of participatory democracy for public land planning. J. Range Manage. 50(5):473-481.

Moote, Margaret A., McClaran, Mitchel P., and Donna K. Chickering. 1997. Theory in practice: applying participatory democracy theory to public land planning. Environmental Management. 21(6):877-889.

Susskind, Lawrence and Jeffrey Cruikshank. 1987. Breaking the impasse: consensual approaches to resolving public disputes. United States: Basic Books, Inc.

The Keystone Center. 1996. The Keystone national policy dialogue on ecosystem management: final report. Colorado: The Keystone Center.

United States Government Accounting Office (GAO). 1997. Forest Service decision-making: a framework for improving performance. United States Printing Office. GAO/RCED-97-71.

Wondolleck, Julia. 1985. The importance of process in resolving environmental disputes. Environ Impact Assess Rev. 5(5):341-356.

Wondolleck, Julia, M. 1988. Public lands conflict and resolution: managing national forest disputes. New York: Plenum Press.

Wondolleck, Julia M., Manring, Nancy J., and James E. Crowfoot. 1996. Teetering at the top of the ladder: the experience of citizen group participants in alternative dispute resolution processes. Sociological Perspectives. 39(2)249-263.

Yaffee, Steven Lewis. 1994. The wisdom of the spotted owl. Washington, D.C.: Island Press.

Yaffee, Steven L. and Julia M. Wondolleck. 1997. Building bridges across agency boundaries. Creating a forestry for the 21st century. J. Franklin (Ed.). Washington, D.C.: Island Press. 381-396.

17258

Montana Fish, Wildlife & Parks

Helena Area Resource Office
Montana Fish, Wildlife & Parks
P.O. Box 200701
Helena, MT 59620-0701

July 14, 2000

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

CAET RECEIVED
JUL 17 2000

Attention: Roadless Areas Proposed Rule

Dear Forest Service,

We appreciate the opportunity to comment on the Roadless Area Proposed Rule and the fact that you have undertaken this task.

The Montana Fish, Wildlife and Parks (MFWP) Department has, over the years, clearly and consistently supported maintenance of roadless areas to sustain healthy watersheds, fisheries and wildlife resources, as well as the intrinsic value of wild lands and the backcountry recreational opportunities they provide to hunters, anglers and outdoor enthusiasts.

We appreciate the opportunity that this Proposed Rule provides in aiding us in the stated Mission of MFWP to "...provide for the stewardship of the fish, wildlife, ... and recreational resources of Montana, while contributing to the quality of life for present and future generations." Several guiding principles have molded this Mission, and will be substantially aided if the Roadless Areas Proposed Rule (along with described modifications) is implemented, including:

- Maintaining the long-term viability of Montana's natural, cultural and recreational resources
- Helping MFWP serve as an advocate for responsible management and equitable allocation of public use of the limited resources that we are entrusted to manage.
- Promoting responsible management of fish and wildlife resources and the pride we take in Montana's hunting and angling heritage.
- The opportunity to strengthen working partnerships with other natural ... resource management agencies.

Montana Fish, Wildlife and Parks supports immediate application of Alternative D for inventoried roadless lands along with emphasis on immediate travel planning. Forest Travel Plans (that are congruent with Forest Plans) should be completed within 2 years.

17258

The Proposed Rule would not require travel planning action for 8 to 10 years. This, we believe, is not in the best interest of the trust we administer as trustees of the publics' natural resources. We laud the approach and efforts of the Helena National Forest (HNF) and hold it up as a model for national direction regarding travel management. As is done on the HNF, we recommend requirements to analyze the effects of each proposed project on conservation of roadless characteristics.

Two improvements in Part One of the proposed rule are essential. First, construction or reconstruction of off-road vehicle routes not expressly authorized in the forest plan should not be allowed. Second, roadless area trail construction and reconstruction should be limited to U.S. Forest Service pack and saddle standards (12-24 inch tread width) unless otherwise expressly authorized in the forest plan. Under no circumstances should vehicle routes "of any size" (as currently stated in the proposed rule) be constructed in inventoried roadless areas.

Not only does the Roadless Areas Proposed Rule promote our broad Vision for the Future, but the foundation issues of a variety of management plans that we have adopted would be promoted through adoption of Alternative D, modified as described above. The Montana Elk Plan (1992) repeatedly stresses the need for high quality habitat with adequate security. At the same time, the plan specifically addresses problems of unbalanced population composition as a result of inadequate security and calls for "road closures or other restrictions on motorized access." The state impact statement for black bears notes the need for controlling access on public land secondary roads as a means of influencing bear harvests and mitigating the effects of road construction, while mountain lion literature stresses the need for refugia.

We recommend reference to a document prepared by the Montana Chapter of The Wildlife Society entitled *Effects of Recreation on Rocky Mountain Wildlife: A Review for Montana* in the final analysis and decision regarding implementation of the Roadless Areas Proposed Rule.

Again, thank you for this opportunity to be involved in this very important process.

Sincerely,

Gayle Joslin

Gayle Joslin
Wildlife Biologist
MFWP Trails Program
Internal Advisory Committee

Montana State Senate

13557

SENATOR WM. S. "BILL" CRISMORE

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The Big Sky Country

COMMITTEES:
BUSINESS & INDUSTRY
FISH & GAME
NATURAL RESOURCES, VICE-CHAIRMAN

V 1 1 5

CAET RECEIVED
JUN 0 3 2000

First, the roadless initiative is clearly an exercise in deception.

While the Forest Service publicly advocates that the DEIS is merely prohibiting certain uses in "inventoried roadless areas," they are cleverly disguising the fact that the adoption of the preferred procedural alternative will also be prohibiting usage within uninventoried roadless areas and other unroaded areas. Remarkably, this includes areas that are currently roaded.

These prohibitions are not fully outlined in the effects analysis on 3-223 of the DEIS.

Second, I support Alternative One of the prohibition alternatives – the No Action Alternative.

The Forest Service received thousands of comments and spent millions of dollars complying with the National Forest Management Act (NFMA), which requires individual national forests to develop forest plans that govern land management decisions.

It is now inappropriate and irresponsible to disregard those plans and permanently prohibit road construction in inventoried roadless areas as proposed in the proposed action & preferred alternative.

Third, I support Alternative "A" of the procedural alternatives – the No Action Alternative.

Sufficient procedure is already in place within the framework of NFMA and the Wilderness Act allowing national forest managers to protect roadless attributes when appropriately designated by forest plans.

It is now inappropriate and irresponsible to prescribe new implementation rules for forest plans as the proposed action and preferred alternative does.

13557

The details of these proposed rules are identified in the Federal Register, Volume 65, Number 43, pages 11676-11693. These proposed rules specifically prescribe the management of inventoried and uninventoried roadless and unroaded areas. Such rules will severely limit local forest supervisors in applying necessary resource management actions.

Lastly, as predicted, the cumulative effects analysis (3-240) is woefully inadequate.

Before a final EIS is issued, the cumulative effect of the proposed forest planning regulations, road management policy and roadless area conservation rule should be analyzed in further detail and, thereby, reveal to the American people what the cumulative impact of these major changes in policy truly is.

If this is not done, the final EIS will be little more than a cover up for a sham of a process.

Sincerely yours,

Wm S Crismore

Senator William S. Ccrismore

18626

Montana State Senate

SENATOR BOB DePRATU
DISTRICT 40

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The Big Sky Country

COMMITTEES:
HEALTH & WELFARE
TAXATION
HIGHWAYS & TRANSPORTATION

CAET RECEIVED
JUL 10 2000

July 6, 2000

V 1 1 5

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

To Whom It May Concern:

Our local communities need to be involved in deciding, in conjunction with the local US Forest Service, what is best for each geographic region.

Multiple use of our Forest is the only practical way to manage them. We agree that some areas should be roadless, however not approximately 43 million acres.

In our area, Flathead and Kootenai National Forest, the fuel build up from dead and dying timber is going to cause a catastrophic fire, within the next few years. All of this timber is going to waste, causing a tremendous loss of jobs.

We already have Forest Plans developed for each National Forest through local community involvement that addresses the management of all inventoried roadless areas. We do not want or need a top-down, one-size-fits-all national prescription from Washington, DC.

The preferred alternative will systematically eliminate most forest management activities, reduce or prevent developed and dispersed recreation, further jeopardize forest health hinder ecological restoration, and impair wildfire management efforts.

I do not support the preferred alternative in the DEIS and Proposed Rule. Please withdraw the proposal.

Sincerely,

Bob DePratu
SD40

RLD/bbc

18628

Montana State Senate

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The Big Sky Country

SENATE MAJORITY WHIP
SENATOR DON HARGROVE

COMMITTEES:
STATE ADMINISTRATION, VICE-CHAIRMAN
LOCAL GOVERNMENT
PUBLIC HEALTH
RULES

CAET RECEIVED
JUL 10 2000

8 Jul. '00

USDA Forest Service - CAET
Roadless Area Proposed Rule
Salt Lake City, Utah

It is difficult to find a real benefit to the proposed Initiative. The motives must ultimately be questioned.

We are trying to focus government on improving the business climate in Montana. Our economy has been focused on the resource extraction industries for many years. Those industries have been buffeted by economic problems, world market forces and environmental concerns with the result that Montana is at the bottom of the list of states on per capita earnings. We are positioned to change that through capitalizing on high tech industry opportunities. Such things will not happen overnight and an assault on the timber industry at this time without an apparent plan is an insult to our state. There is room for a reasonable analysis of usefulness of existing roads and lumbering processes. Forest lands are managed poorly and yet our federal government is also poised to acquire more public lands. Managing what already exist would be a better goal.

Finally, fewer roads only serve to deny access to 'public' lands for working Montanans and all young, old and handicapped citizens. Only those who have time to spend a week or two to travel, who have money to hire outfitters, or who have their own pack trains, equipment and outdoor skills can take advantage of 'roadless' areas. It is an elitist initiative that does not serve our administratiion well.

18628

I hope we can back off and allow some objective analyses of management needs to benefit our country.

Don Hargrove

Don Hargrove
Senate District 16
Montana State Senate

10112

Roadless Area Conservation Proposed Rule
Public Comment Forum

Date: June 26, 2000 E I I ☐ S

Comments:

I support option 1 because:

- A well managed forest provides much more wildlife than a dying and rotting forest
- It also provides at least 50% more water for the threatened and endangered fish to live in
- It is less likely to suffer a catastrophic fire
- Disabled citizens are entitled to access to their National forests

CAET RECEIVED
JUN 29 2000

Name: Senator Elect Jerry O'Neil
Address: Montana Senate District 42
702 Helena Flats Road
Kalispell, Montana 59901-7429

**Please send comments to: USDA Forest Service- CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
Fax: (877) 703-2494
Email: roadlessdeis@fs.fed.us

****Comments must be received by July 17th, 2000.**

13566

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

E I I ☐ S

REPRESENTATIVE AUBYN CURTISS
HOUSE DISTRICT 81

HELENA ADDRESS:
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COMMITTEES:
JUDICIARY
NATURAL RESOURCES
STATE/FEDERAL RELATIONS, CHAIRMAN

Roadless Initiative
Libby, June 27, 2000

CAET RECEIVED
JUL 06 2000

For the record, I am Aubyn Curtiss, House District 81 which covers most of the Kootenai National Forest.

Most people in my district view the Roadless Initiative as but another component of the juggernaut launched by the Clinton Administration to lock up public lands and put resources essential to communities' sustainability beyond reach of those whose heritage, customs and culture depend on wise use of those resources. A more devious way to deliberately destroy the lives, stability and economies of western communities has yet to be devised.

Science cannot be claimed as justification for the proposals. Sound science is not biased. The assumption that multiple use must be replaced by ecosystem management permeates the data supporting the proposed course of action.

The term, "roadless," used to gain support from an unsuspecting public, bases the entire initiative on a massive deceit perpetrated by those dedicated to effecting dramatic changes in public lands use. If we have a choice, then the two "A" no action choices are the only acceptable response. Already millions of taxpayers dollars have been spent to develop plans based on site specific data which are unique to individual forests. More millions have been spent to obliterate roads, wreaking environmental trauma and destroying taxpayers investments in a forest roads system.

The drive to gain acceptance for the initiative has been a blatant waste of taxpayers dollars. Forest managers already have the ability to protect sensitive areas. To terminate access to public lands would only severely limit the ability of experienced resource managers to protect the resources entrusted to their care.

Trite, but true, trees are a renewable resource, but not if they are deliberately commissioned to rot and burn.

Under current law, the Forest Service and BLM are mandated to consider the heritage, customs and culture of communities dependent on public land use. Regardless of the pressure to change their roles as "stewards of our resources" to "restorers of some utopian concept of what those resources should be," they still must abide by that

mandate. One man's directive written into the Administrative Register and agency administrative rules, coupled by their expressed contempt for a segment of our society, should not be allowed to overturn Congressional authority.

13566

E 1 3 5 50893
50893

form@treasurestate.com
07/13/00 11:50 AM
Please respond to A.citizen.for.preserving.our.roadless.heritage

To: <roadlessdeis@fs.fed.us>
cc:
Subject: Comment on roadless DEIS

F-291

name: State Rep. Bob Raney
street: 212 South 6th Street
city: Livingston
state: Montana
zip: 59047
email: bobraney@mcn.net
Alternative_4: Send comment
Date: Thursday, July 13, 2000

My_comments

I support alternative 4, no new roads and no timber harvest. Conservative use of taxpayer dollars all by itself says no more roads, let alone roads in the most pristine ares left in our nation. Save our headwaters and save our last bits of unroaded habitat. Please recognize the value of these areas to the west's new economy - the information market place. The movers and shakers and the workers in the new economy place great value on nature, wild lands and undeveloped places - just exactly what the unroaded lands are. Help us in the west retain our number one asset for joining the new economy - the great, natural outdoors.

The Big Sky Country

13554

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BILL TASH
HOUSE DISTRICT 34

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V 1 1 5

CAET RECEIVED
JUN 30 2000

June 42, 2000

To Whom it may concern:

I would like to once more go on record of strong opposition of President Clinton's executive order in regards to public land management without consideration given to state and local government's involvement.

Other stakeholders such as watershed groups, sportsmen groups, and elected local conservation board members have demonstrated a more effective and solution oriented approach to public land management in a cooperative, rather than a competitive way.

Allow the system to work as it should , from the ground up; instead of from the top down. We can't afford the " one size fits all"; especially when it is tailored by a few who perceive themselves to be "experts".

Sincerely;

Bill Tash

Bill Tash HD 34 Beaverhead County

07/17/2000 18:15 1-406-683-5776 BEAUERHD CTY SHERIFF PAGE 01

17297

BEAVERHEAD COUNTY COMMISSIONERS

2 South Pacific Street
Dillon, Montana 59725-2799
(406) 683-5245 FAX (406) 683-4787

5

K 3 1

July 17, 2000

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

SENT VIA TELEFAX Number 877-703-2494

Following are some of the questions and concerns that the Beaverhead County Commissioners have regarding your current draft roadless EIS. We believe that Beaverhead County has some very significant issues regarding this proposal, the first of which is the large number of acres inventoried roadless within the boundaries of our county. There are 1,370,363 total acres of USFS land in Beaverhead County, with approximately 1,000,000 acres inventoried roadless.

Rare II was a mapping exercise, and was not ground based in our County. We feel that a reconciliation between the two definitions needs to take place. Traditional travelways such as RS2477 roads were never considered under the RARE II process, and we now wonder how these travelways will be handled under your new roadless initiative.

Comment: Page 3-28-- The discussion on impaired watersheds does not indicate where they are located and their relationship to roadless areas (except for the very small scale map in Figure 3-13). It would be nice to understand the status of the watersheds in Beaverhead County, since water is one of our most valuable and often limited resources. Without this data,meaningful comment on this issue at this time is impossible.

Comment: Page 3-107, Cumulative Effects-- The cumulative effects discussion on Page 3-107 fails to address the potential impacts of catastrophic fires on public safety, property, and health (air quality). What are the potential effects on Beaverhead County for the need to increase training of fire personnel in wildland firefighting, procurement of specialized wildland firefighting equipment, and higher levels of disaster planning for communities.

Comment: Page 3-114, The discussion relating to Allowable Sale Quantity (ASQ) is a classic example of a double standard. Under the current forest planning regulations, ASQ's are set during the initial planning process and have been reduced significantly through national direction on clearcutting, ecosystem management, NW Forest Plan, and the Forest Service Natural Resource Agenda. A great amount of analysis was used to determine these harvest levels and required NEPA documentation. However, little to no NEPA analysis was used to evaluate the effects of reduced harvest levels due to national direction listed above. Consequently, the significant impact to Beaverhead County as a result of a "Recreation Management Test" conducted in 1992 and the continued emphasis placed on recreation in this county has never been addressed. In addition, the document fails to address the financial feasibility of helicopter or long cable yarding. To a novice reader the document sounds as though this will be an option. However cost and the limited range of these yarding systems tells me

that there is a high probibilitiy that these harvests will never occur. What is the realistic effects of even less timber harvest on the Beaverhead portion of the forest?

Comment: Page 3-115, Alternative 2, 2nd paragraph-- This discussion states that the effects on the mix of stewardship and commodity purpose timber harvest is unknown. Why? With the resources the agency has to prepare this document, it's Natural Resource Agenda, and all the scientific knowledge it alleges to have, it is inconceivable that the agency cannot determine the effects on the environment, communities, social factors, and harvest levels. If the Forest Service cannot determine these effects it cannot make an informed decision of this magnitude and scope. Can you somehow disclose the mix of stewardship and commodity harvest? Our local communities and businesses cannot plan a future without knowledge of the effects that this Federal decision will have on them.

Comment: General-- Overall, the entire recreation section needs to be shored up by providing information and data on how many people use roaded areas, unroaded areas, and wilderness areas. Only then can the balance of supply and demand be determined. The assumption on Page 3-125, last paragraph, is that the balance of roaded and unroaded should be 49% and 51% respectively. This is very speculative and a conclusion that has no basis other than it supports the "Proposed Action". The question that must be answered is, "Will this proportion create a large recreation land base for a very small segment of the population?" And should Beaverhead County have to provide a disportionate amount of this land base?

Comment: Page 3-117, first paragraph-- The first paragraph under Dispersed Activities is a distortion of past management. Unroaded areas were NOT viewed as banks for future resource development. Where is the evidence for this kind of statement? This statement is an insult to all the previous Forest Service employees and community leaders that had a strong commitment to manage and use forest resources in a wise manner and meet social demands during their watch. The statement that the "...remaining relatively undisturbed landscapes have developed increased value in comparison to other lands" is strictly a value judgement of the author and has no foundation. This type of thinking is the reason that local communities are frustrated with Federal management of the national forests. Statements, such as these, are so biased they need to be purged from the document completely.

Comment: Page 3-120, third paragraph-- This paragraph makes a statement that "Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas." The Forest Service has been collecting dispersed recreation data for decades--where are the references to the Recreation Information Management (RIM) report prepared annually? Where are the specific results as they pertain to the test conducted on the Beaverhead that de-emphasized timber and concentrated on recreation?

Comment: Page 3-166, last paragraph-- A significant flaw is displayed in this discussion. It states that "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (ROS) (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve such a large percentage 73% of our National Forest System Lands in Beaverhead County in a roadless character for the relatively small percent of the population that

will use them?" What economic and social impacts will this have on our county? The Forest Service must address this question on proportion of users and amount of area needed for roadless recreation. It appears that a very large portion of the land base will be preserved for a very small number of users.

Comment: Page 3-173, second paragraph-- The revenues generated from hunting and fishing were disclosed in the Affected Environment section with no follow up analysis in the effects section. We have been told for years that hunting and fishing generated revenues are extremely important to our local economy. What are the financial contributions of roaded and unroaded hunting and fishing? How much does unroaded vs. roaded hunting and fishing contribute to our local economy?

Comment: Page 3-178, Alternatives-- This discussion needs to address the potential effects on the construction and maintenance of range improvements, such as stock water developments, fences, salting, vacant grazing allotments, etc. Furthermore, this section does not address the impacts of motorized use for managing livestock distribution. The decommissioning and obliteration of existing low impact roads will further limit current access for management of allotments. What are the effects of the alternatives on these activities?

Comment: Page 3-178, Alternatives-- Allotment management plans for each grazing allotment are approved using the NEPA process. In some cases decisions have been made that conflict with the proposed rule. For example, the allotment management plan might approve the use of an existing unclassified road. The Notice of Intent for this rule recognizes that these roads currently exist and are being used. Failure to effectively maintain and monitor these roads is a violation of the spirit and intent of NEPA and the terms of Forest Service issued grazing permits. Can you address and disclose the future disposition and use of these roads? Furthermore, any decisions regarding these unclassified roads must disclose the environmental and economic effects. We are concerned about the potential impacts that include increased costs of managing and administering grazing allotments.

Thank-you for your consideration of our concerns.

Sincerely,

Garth Haugland, Chairman

Donna J. Sevalstad, Member

Michael J. McGinley, Member

43569

Flathead County

Board of Commissioners

(406) 758-5503

Howard W. Gipe
Robert W. Watne
Dale W. Williams

K 3 1 5

July 11, 2000

CAET RECEIVED
JUL 14 2000

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

Dear Forest Service:

Significant discussion has taken place regarding the Roadless Initiative in Flathead County. That discussion led the Flathead County Commissioners, as well as Lincoln and Sanders County Commissioners, to place an advisory ballot issue at our primary election to simply ask citizens of those counties whether in fact they supported this initiative. By an overwhelming majority, 81% of the citizens of these counties said NO.

In addition, the Commissioners of Flathead County have conducted an exhaustive review of the Forest Service Draft EIS and found many disturbing findings that indicate a need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

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

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

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies above and in our attached review.

800 South Main ** Kalispell, Montana 59901 ** Fax (406) 758-5861

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

We also are requesting an extension of the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60-day comment period.

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

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA

Robert W. Watne, Chairman

Howard W. Gipe, Member

Dale W. Williams, Member

FCBC:ecn

Enc: As stated

cc: Honorable Conrad Burns
Honorable Max Baucus
Governor Marc Racicot

The Flathead County Board of Commissioners attached a "Summary of Review Findings" which it shared with Sheridan County, Wyoming. The text of that summary is included in this volume under the Sheridan County entry.

K 1 1 5

(Filit) 11542

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

CAET RECEIVED
JUN 28 2000

Dear Project Leader,

- Please extend the comment period by 120 days.
- The DEIS does not present an adequate range of alternatives. The agency should develop additional alternatives which allow road access for a full range of multiple uses, as well as for addressing forest health and fire emergencies. Otherwise, the no action alternative is the only acceptable option.
- This rule-making process is politically driven, and is not science-based. It blatantly circumvents both the forest planning process and the Wilderness Act. This Administration has repeatedly called for more local, collaborative decision making, yet this process did not involve local citizens, *or even USFS employees at the ranger district level.*
- Forest Service research indicates 65 million acres are at risk to catastrophic wildfire, insects and disease, and that many of those acres are in "roadless areas." Rather than implementing a scientific approach to managing these lands, the Agency proposes to deliberately prevent the stewardship necessary to protect them.
- Recreational opportunities will be severely diminished by this proposal, especially for elderly/disabled citizens. Numerous USFS reports show that "driving for pleasure" is the number one use of national forests, and that recreation is expected to increase in the future. How can people recreate without access?
- I am offended by the tenor and the obvious bias of p.3-190 in the DEIS, which grossly mischaracterizes rural communities, timber workers and local economies. There is no data whatsoever on which these sociological opinions have been based, they simply reflect assumptions and whimsical theories of a few fringe academicians.
- Additional comments: No More U.S.-B.S. This is Still America This is our Land Let us use it.

Name: Bob Watne (Chairman of Flathead County Commissioners)

Address: [illegible] So Foys Lake Rd.
[illegible]
[illegible]

REC'D LCNF JUN 26 2000
10109

LEWIS AND CLARK COUNTY

City County Building
P.O. Box 1724
316 North Park
Helena, Montana 59624
Telephone 406/447-8304

Board of County Commissioners

K 3 1 5

10109

June 20, 2000

CAET RECEIVED
JUN 29 2000

Mr. Michael Dombeck
Chief of the Forest Service
USDA-Forest Service
Yates Building
14th and Independence Avenues, SW
Washington, D.C. 20024

Dear Chief Dombeck:

Lewis and Clark County is one of Montana's largest counties, spanning the Continental Divide with large roadless public land tracts on the Helena, Flathead and Lewis and Clark National Forests.

These public lands comprise the historic backcountry of Lewis and Clark County, traversed by forest trails and accessible from existing roads.

Since 1979, each successive county commission has recognized the vital importance of these roadless tracts and urged federal policy-makers to take the necessary steps to insure that they remain in a wild state.

Members of the Lewis and Clark County Board of Commissioners wish to go on record in support of the U.S. Forest Service proposal to keep roadless tracts intact.

The draft U.S. Forest Service Roadless Conservation Policy Initiative proposes to keep existing national forest roadless backcountry areas roadless. Other decisions are left to local forest officials, based on the attributes of specific sites and the views of the public. Existing roads and trails which provide important public and private access are unaffected by this policy.

National forests within Lewis and Clark County often have difficulty meeting financial obligations to maintain existing forest access roads, a responsibility shared with the county. Common sense suggests the agency should focus limited resources on properly maintaining already-existing roads, rather than expanding new road infrastructure into fragile wild lands that can be maintained with forest trails.

The highest and best public use of remaining roadless public lands within Lewis and Clark County is to manage for their traditional backcountry uses and values of clean water, fish and wildlife habitats, grazing, and outdoor recreation. The proposed policy should encourage local forest officials to do so, in collaboration with county residents, elected officials and area businesses.

Roadless headwaters provide Lewis and Clark County residents with clean drinking water and clear mountain streams; vital for both municipal and irrigation water, as well as resident and downstream trout fisheries.

Roadless areas such as the Devil's Tower, Gates of the Mountains and Silver King-Falls Creek include nationally-significant historic and cultural resources, including Native American trails and routes followed by Captains Lewis and Clark nearly two hundred years ago.

Roadless public land areas provide county residents with hunting, fishing, camping, skiing, snowmobiling, forest trails, abundant wildlife, and a quality of outdoor life that is second to none.

Small, family-owned outfitting, guide and guest ranch businesses in Lewis and Clark County rely on roadless national forest backcountry areas such as the Renshaw, Benchmark, Silver King-Falls Creek, Upper Blackfoot and along the Continental Divide.

A recent published survey of Montana wild land outfitters operating on public lands and trails indicates these businesses generate $107 million dollars per year in economic activity, sustaining 4,336 jobs. These businesses bring new sources of income year-round to rural and urban communities of Lewis and Clark County.

Please include these comments in the record and continue to keep Lewis and Clark County Commissioners informed as you develop the Roadless Areas Conservation Policy.

Sincerely,

Michael J. Griffith, Chairman

Karolin J. Loendorf, Member

Michael A. Murray, Member

cc: USDA-Forest Service, Roadless Areas Proposed Rule
P.O. Box 22190, Salt Lake City, Utah 84122
Regional Forester Dale Bosworth
Helena Forest Supervisor Tom Clifford, Lewis and Clark Forest
Supervisor Rick Prousa
Flathead National Forest Supervisor Kathy Barbeletos

K-1-6-D-5
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MR. GRIFFITH: Thank you, Tom, for conducting this public hearing. My name is Mike Griffith. I'm chairman of the Lewis and Clark County Board of Commissioners. I represent tonight the three county commissioners of Lewis and Clark County. Tom, I'm going to read a letter that was composed and signed by all three county commissioners today, and we have mailed this letter to Chief Dombeck. The letter reads, "Dear Chief Dombeck. Lewis and Clark County is one of Montana's largest counties, spanning the Continental Divide with large roadless public land tracks on the Helena, Flathead, and Lewis and Clark National Forests. These public lands comprise the historic back country of Lewis and Clark County, traversed by forest trails and accessible from existing roads. Since 1979 each successive county commission has recognized the vital importance of these robust tracks and have urged federal policymakers to take the necessary steps to insure that they remain in a wild state. Members of the Lewis and Clark County Board of Commissioners wish to go on record in support

11200

of the US Forest Service proposal to keep the roadless tracks intact. The draft US Forest Service Roadless Conservation Policy Initiative proposes to keep existing National Forest roadless backcountry areas roadless. Other decisions are left to local forest officials based on the attributes of specific sites and the views of the public. Existing roads and trails which provide important public and private access are unaffected by this policy. National Forests within Lewis and Clark County often have difficulty meeting financial obligations to maintain existing forest access roads, a responsibility shared with the county. Commonsense suggests the agency should focus limited resources on property maintaining already existing roads rather than expanding new road infrastructure into the fragile wildlands that can be maintained with forest trails. The highest and best public use of remaining roadless public lands within Lewis and Clark County is to manage for their traditional backcountry uses and values of clean water, fish, and wildlife habitats, grazing and outdoor

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recreation. The proposed policy should encourage local forest officials to do so in collaboration with county residents, elected officials, and area businesses."

MS. PITTMAN: Thanks, Mike. Do you want to leave it...

MR. GRIFFITH: Thanks, Maggie.

MS. PITTMAN: ...for the record?

MR. GRIFFITH: I gave Tom a copy of that today.

MS. PITTMAN: Okay.

MR. GRIFFITH: And I've got another one in the mail to you so...

MS. PITTMAN: Perfect.

MR. GRIFFITH: ...thank you.

MS. PITTMAN: Got you covered. Thanks. The next five speakers, Dave Newman, Andy Skinner, Jeff Whorl, Tom Davis, and Jonathan Matthews. Could you folks please come up and line up over here so we'll have you ready to go? Thank you. Al Thompson, you're next.

***

MR. THOMPSON: Isn't it about time for coffee and donuts at these hearings.

13536

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED
JUL 03 2000

June 27, 2000

Bob Castaneda, Supervisor
Kootenai National Forest
1101 US Highway 2 West
Libby, MT 59923

Re: Roadless Testimony
Hearing – June 27, 2000 Libby, MT

Dear Mr. Castaneda:

The Board of County Commissioners of Lincoln County, Montana, is submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Montana and the MACo Coalition of Forest Counties.

Our oral comments today will be general in nature but our written submittal will include additional areas of concern that we have identified in our initial review of the proposed regulations. We will be also be submitting a thorough and detailed response to the Chief, USDA-Forest Service, prior to the close of the comment period on July 17, 2000.

First, we would like to thank you for holding this important meeting in Libby. This allows you to directly hear the concerns of our constituents. We hope these types of meetings continue in the future for all the important federal issues facing our citizens.

The Lincoln County Board of Commissioners strongly opposes any rules adopting this type of policy. A recent straw poll put before the voters of Lincoln County at the Primary Election held June 6, 2000 has also reinforced our understanding of the position of our constituents. On the ballot question of whether they supported the proposal for roadless area, almost 90% of Lincoln County voters voted against support of the proposal. Voters in adjoining counties echoed those same feelings. This sends a clear message to us and should to the current administration. This proposal should be abandoned.

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7781 • (406) 293-8577 Fax
E-mail: lccomms@libby.org

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A unilateral decision such as this, that does not take into consideration the unique conditions of different forests, should not be made or even proposed on a sweeping national level. Management of these areas should be decided on a case by case basis through the Forest Planning process for each National Forest.

We see this broad roadless protection proposal as a backdoor approach to create defacto Wilderness and circumvent the authority of Congress to create Wilderness areas. Currently, there are roughly 35 million acres of protected designated Wilderness across the country. This proposal would more than double this amount by adding an additional 50 million acres.

Currently on the KNF almost 60 percent of the USFS system roads are already closed and within the Three Rivers District nearly 75 percent are closed, primarily due to transportation system management dictated by grizzly bear recovery. This proposal will lock up an additional 600,000 acres, ignoring local management recommendations and local needs.

This issue has already had a direct negative impact on our county. When the temporary roadless policy was put into effect, it stopped all progress on the Treasure Mountain Ski area. Many years of study, substantial amounts of financing, and numerous hours of volunteer time went into studying the potential benefits of this ski area. The studies were near completion when the temporary roadless moratorium was enacted. If this permanent proposal is adopted, it would put an end to any hopes of developing this ski area and add another roadblock to bringing back our county's economic stability.

Forest health, fire control, and disease in the forest are also areas that this extreme proposal will effect. Without access to areas of the forest, the once healthy forest that we knew will continue to see its health decline and risk the danger of dramatic fire threatening all of our communities, our livelihood, and our way of life.

The roadless proposal will also stifle other economic possibilities for our county, including mining exploration, timber harvest, recreational opportunities, and tourism. Everyone here already knows the detrimental effects that the Endangered Species Act and other major Forest Service decisions have had on all of our communities. Additional federal restrictions will clearly limit economic prospects for our future.

Our communities are struggling for their survival. Our heritage and culture that have been so important to our residents is threatened with disintegration. Our children's ability to remain as part of our communities is almost non-existent with the elimination of jobs due to the major reductions in timber harvest and downsizing at our local mills. Any hope of increased economic sustainability continues to diminish when continued proposals such as this limit access to our forests.

As I end my oral testimony before you today, I would like to summarize what I feel the most important issue is for you to consider. It is not the issue of a road building moratorium only. It is the constant barrage of federal edicts enacted from above that are

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threatening our traditional way of life in our rural communities in Lincoln County and other areas of the West. We have been encouraged to "come to the table" to negotiate, review and comment on forest management practices through various processes. We have kept our promise and stayed active in this process, sometimes under tremendous political adversity.

But more and more our we hear our constituents say "You can't trust the federal government any more". They tell us to look at the effects of the grizzly bear protection and other endangered species management. They are barraged by more and more proposed restrictions and regulations on federal lands. They see forests that are in dire need of help and could catastrophically burn this summer. They attend public meetings to voice their opinions but feel as if their input falls on deaf ears. We have continued to tell them that we still need to try to work for a common goal and work out our differences in a managed plan that can benefit all interests. I constantly appeal to them to attend one more meeting or write one more letter that will hopefully influence decisions.

We are not sure that we can continue to tell them that. Every effort we have made to work together with federal agencies to solve the important management decisions with words of reason have been ignored by this Administration. Additional regulations continue to be imposed with no understanding of the effects on rural America.

Our hope is that our voices will finally be heard.

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

1. The Draft EIS appears to be Biased and Pre-decisional

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

- On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.

- The Vice President has made statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it. No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

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- The document is written very subjectively and leans toward justifying the proposed action of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an objective analysis of all alternatives, issues, and effects.

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

The Forest Service admits that its assessment method conducts a "qualitative" analysis of most impacts. In fact, the analysis only provides a "quantitative" analysis on agency costs, timber, and road construction and reconstruction--and framed mostly in a negative context. There are many associated impacts that are not "quantified" and relate to recreation use, stewardship timber harvest, fuel reduction, catastrophic fire, ecological factors, wildlife, etc. We do not believe the Forest Service can make a reasonable informed decision based on this significant lack of information that is necessary to adequately analyze and disclose effects. This violates the basic premise of NEPA and leads us to the next point.

3. The Draft EIS Contains Numerous NEPA Deficiencies.

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

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

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- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards
- Incorporate material by reference only when it is reasonably available
- Insure the scientific integrity of discussions

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

4. The Draft EIS is Full of Discrepancies and Contradictions Relating to Conclusions and Data.

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

- The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.

- The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal or more destructive than management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.

- In one statement the Forest Service says that "As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." In another section, they state that "...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas." You can't have it both ways--Irreversible means you can't go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

As relief to our concerns and those we represent, the Commissioners of Lincoln County would like to go on record in requesting that the Forest Service, either:

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as active participants in the process.

2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impacts.

3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

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

Sincerely,

Marianne B. Roose, Chair

Rita R. Windom, Member

John C. Konzen, Member

44004

JUL-14-2000 13:11 Lincoln Co. Clerk & Rec. 406 293 8577 P.03/04

13536

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY
STATE OF MONTANA

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED
JUL 17 2000

July 14, 2000

K 3 2 5

Chief Dombeck, U.S.F.S.
USDA Forest Service – CAET
Attention: Roadless Areas
NOI P.O. Box 221090
Salt Lake City, UT 84122

Dear Chief Dombeck:

Lincoln County has submitted separate testimony on the proposed Forest Service Roadless Area Conservation Draft E.I.S. but would like to comment on one issue specifically.

The Libby community has been attempting to develop the Treasure Mountain Ski Area for several years. In fact, a grant was received from E.D.A. to study and complete an E.I.S. on the proposed project. The Forest Service has also played a major role in the study and supports the project.

A portion of the proposed area is currently included in the Forest Service's proposed Roadless Area. This issue has already had a direct negative impact on our county. When the temporary roadless policy was put into effect, it stopped all progress on the Treasure Mountain Ski area. Many years of study, substantial amounts of financing, and numerous hours of volunteer time went into studying the potential benefits of this ski area. The studies were near completion when the temporary roadless moratorium was enacted. If this area is retained in the Roadless Area proposal, it would put an end to any hopes of developing this ski area and add another roadblock to bringing back our county's economic stability.

This development is very important to the citizens of Lincoln County and the Libby community. Because of the downsizing of the timber industry and the closure of several major industrial businesses, our economic base has seen a rapid decline over the past few years. This project would supplement some of this economic loss if completed.

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LIBBY, MONTANA 59923
(406) 293-7781 • (406) 293-8577 Fax
E-mail: lccomms@libby.org

We are formally requesting that the area proposed for this development be removed from the proposed Forest Service Roadless Area Conservation plan. We are sure that your agency would receive strong support from Montana's Congressional Delegation for exclusion of this area.

Sincerely,

Marianne B. Roose, Chair | Rita R. Windom, Member | John C. Konzen, Member

Cc: Senator Conrad Burns
Senator Max Baucus
Rep. Rick Hill

E 3 1 5 6F

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY
STATE OF MONTANA

RITA R. WINDOM, Commissioner
DISTRICT NO. 1, LIBBY

JOHN C. KONZEN, Commissioner
DISTRICT NO. 2, TROY

MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

16089

CAET RECEIVED
JUL 17 2000

July 14, 2000

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

Re: Comments on Roadless Area Conservation Draft EIS

Dear Forest Service,

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

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

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

1. Immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process. Since the proposed rule is essentially an allocation decision of resources, the proper venue for analysis and decision-making is at the national forest

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E-mail: lccomms@libby.org

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level. This will insure consultation and coordination with local governments that is necessary to address the inadequacies identified above and in our attached review.

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

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

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

Sincerely,

Marianne B. Roose

Marianne B. Roose, Chair

Rita R. Windom

Rita R. Windom, Member

John Konzen

John C. Konzen, Member

attachment

16089

Review of
Forest Service
Roadless Area Conservation
Draft Environmental Impact Statement

LINCOLN COUNTY BOARD OF COMMISSIONERS

LINCOLN COUNTY, MONTANA

Comprehensive Review

The following is a page-by-page review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement issued on May 11,2000. The review includes "Comments" and "Relief." Comments represent findings of deficiencies, inconsistencies, errors, and incomplete information or discussion. Relief is a specific action(s) requested of the Forest Service to fully address the comment.

CHAPTER 1--PURPOSE OF AND NEED FOR ACTION

COMMENTS ON CHAPTER 1

Introduction

1. **Comment:** Page 1-1, 1st paragraph-- The introductory paragraph makes it sound as though inventoried roadless areas on National Forest System lands are the only areas in the United States that are unroaded. There is no consideration of wilderness, other agency contributions, special areas, etc. The document then states that protection of these areas is important to the agency's responsibility--what is the reference for this? Is it a congressional mandate? An administration mandate?

Relief: The Forest Service needs to address the National Wilderness Preservation System, other special areas, and contributions of other Federal lands, such as, the BLM Public Lands, National Parks, Fish and Wildlife Service Refuges, etc. and address the questions presented.

2. **Comment:** Page 1-1, 2nd paragraph--This paragraph is misleading. The first sentence states

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that "Watershed protection is one of the key reasons National Forests were created." This is not true. The Organic Act of June 4, 1897 states "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows..." Favorable conditions for water flows means water quantity, not quality. The Act further states that "All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated." The role of protecting watersheds came later with passage of other laws.

Relief: These statements need to be clarified to represent an accurate reflection of the laws governing creation of the national forests.

3. **Comment:** Page 1-1, 3rd paragraph-- This paragraph lacks references for these numerous studies that indicate watersheds with fewer roads are responsible for healthier fish populations.

Relief: The Forest Service needs to add citations as to where this information was acquired.

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

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

5. **Comment:** Page 1-1, last paragraph-- What is the reference for these statements that roadless areas are better able to respond to natural disturbances? Why are roadless areas better able to respond to natural disturbances like windstorms and fire? Why are they better able to respond over any other area that has been logged, roaded, grazed, or developed and then burned or blown down? Can these assumptions be proven?

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

6. **Comment:** Page 1-3, 2nd paragraph-- What is the reference for these statements and assumptions that 16 million acres of forest, cropland, and open space were converted to urban and other areas? Where is this happening? How much was forest? How much is this directly related to national forests?

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

16089

7. **Comment:** Page 1-3, 5th paragraph-- The Forest Service does have the responsibility to balance resource use and protection to meet the diverse needs of people. However, what is the proper balance of resource mix to meet the needs of people? Is it 50 million acres of preserved roadless areas, 42 million acres of wilderness and other protected areas (such as resource natural areas, national recreation areas, and wild and scenic rivers) that currently restrict roads and timber harvest? In the document there is no analysis that determines what the proper mix of balanced resource use and area is, other than, the conclusion that over 50% should be in some roadless category to meet the needs of some unknown percent of the U.S. population.

Relief: The Forest Service needs to conduct the proper analysis and address the questions presented.

Background

8. **Comment:** Page 1-4, 1st paragraph and Page 1-14, Table 1-1--A problem with this analysis is it uses an inventory process that was developed for determining wilderness recommendations to Congress. The Forest Service has taken this process and extrapolated its use for other purposes that do not fit, e.g., roadless characteristics. The proposed planning regulations, summarized in Table 1-1, state that the proposed planning rule "Provides (an) overall framework for identification and management of unroaded values other than wilderness." A review of roadless areas for the reasons described in this document should be based on criteria developed for that purpose--not for wilderness. The proposed forest planning rule is the correct vehicle for this analysis. It is parallel to using a wrench to pound nails.

Relief: The Forest Service needs to take the action described.

9. **Comment:** Page 1-4, 4th paragraph-- This reference to road maintenance is not germane to the discussion regarding the purpose for preserving roadless areas. This is a separate and distinct issue that could be managed if the Forest Service would prioritize funding and use of its resources (meaning people and funds). Although it is brought up many times as an issue, it is not addressed in any alternative.

Relief: The Forest Service needs to address this issue by deleting the reference to road maintenance or address it as part of a an alternative.

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

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

11. **Comment:** Page 1-5, 1st paragraph; Page 1-14, Table 1-1, Page 1-15, Goal 1; and Page 1-16, 4th paragraph-- This implies that the American people are not capable of recognizing the significance of roadless areas in local planning efforts. Therefore, a national directive through this rule, is being introduced. However, in the proposed planning regulations the Forest Service

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is entrusting the American people to make other important decisions and "emphasizes collaboration." Furthermore, on Page 1-15 it states that the goals and objectives of the Forest Service Draft Strategic Plan are relevant to the ""Proposed Action"" in this EIS. This is misleading, as the goal itself, is to "Promote ecosystem health and conservation using a collaborative approach..." Finally, Page 1-16 states "All three proposed rules seek to provide for long-term environmental sustainability, ensure collaboration with the public, ..." This is simply not true for the Roadless Conservation Proposed Rule as collaboration is NOT taking place. The argument here might be made that "collaboration" is okay for other decisions, but not for those important issues that greatly affect local communities.

Relief: The Forest Service needs to either 1) delete any references that this proposal to prohibit road construction, reconstruction, and timber harvest is a collaborative process or 2) withdraw the proposal and enter into a collaborative approach with counties and local governments.

Public Scoping Process and Issues Considered

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

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

13. **Comment:** Page 1-6, issues discussion-- The issues identified (public access, identification of unroaded areas, exemptions, local involvement, etc.) are inconsistent and extremely different from the opening-page Abstract (protecting clean water, biological diversity, dispersed recreation, wildlife habitat, etc.).

Relief: The Forest Service must clarify why the issues are different between the two sections of the document.

Purpose and Need

14. **Comment:** Page 1-11, 2nd paragraph-- This paragraph discusses rational about why certain activities (grazing, motorized use, mining, etc.) could not be analyzed at the national level. These activities were excluded from the prohibitions (road and timber) and provide a good argument why the analysis should be conducted at the local level. These would be addressed in a manner that provides local governments the ability to discern the impacts and provide meaningful comment. As it is, the document is so general (qualitative) that local governments cannot adequately provide meaningful comment to the DEIS.

Relief: The Forest Service must withdraw this proposal and allow the analysis to be completed at the local level in order to adequately address a full range of alternatives and impacts.

15. **Comment:** Page 1-11, first bullet list-- The second bullet states that certain issues are most appropriately resolved at the national level--what are they? The only one in recent times is that of

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wilderness and that was resolved by Congress. What gives the agency the authority to determine what needs to be addressed at the national vs. local level?

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

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

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

CHAPTER 2--ALTERNATIVES

COMMENTS ON CHAPTER 2

1. **Comment:** Page 2-2 to 2-4-- There appears to be an inadequate formulation of alternatives: The range of alternatives does not include alternatives that are driven individually by the issues on the top half of Page 1-6, nor the "strong public sentiment" issues identified in the opening-page Abstract.

Relief: The Forest Service needs to match the alternatives to the set of issues identified in both sections referenced.

2. **Comment:** Page 2-2 to 2-10-- There is an unbalanced description of Alternatives, for example, little description is provided for the two "No Action" Alternatives (Alternative 1 and Alternative A). These alternatives are critical baselines for comparing all alternatives.

Relief: The Forest Service needs to provide a more comprehensive description and discussion of the two "No Action" alternatives in order to provide a baseline of comparison.

3. **Comment:** Page 2-16, last paragraph-- The section on "Alternative Land Use Designations--Make All Inventoried Roadless Areas Fully Available for Development," states that "The agency decided not to apply such prescriptions (planning) by national rule for a variety of reasons, such as the lack of data that can be aggregated and analyzed at the national level, the local nature of the affected uses and impacts..." This makes a strong argument to why the roadless conservation issue should be addressed at the local level during the forest plan revision process.

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Relief: The Forest Service must withdraw this proposal and allow the analysis to be completed at the local level during forest plan revisions in order to adequately address a full range of alternatives and impacts.

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

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

5. **Comment:** Page S-9 and Page 2-7 and 2-8-- The descriptions of "Alternative B--Proposed Action and Preferred Alternative" between the Summary and Draft EIS are different. Consider the description of the "Proposed Action" from the Summary (and released as a separate document) and the Draft EIS:

Summary Description (Page S-7)states,

"Alternative B - Forest Planning Process Implemented at Next Forest Plan Revision, Proposed Action and Preferred Alternative-- Local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during forest and grassland plan revisions...

During plan revision, the local manager would evaluate the quality and importance of the roadless characteristics to determine their relative contribution to the conservation of roadless areas and determine whether and how the characteristics should be protected. This alternative effectively becomes implemented on each forest and grassland at the time of plan revision."

DEIS Description: (Page 2-7 and 2-8):

"Alternative B - Forest Planning Process Implemented at Next Forest Plan Revision, Proposed Action and Preferred Alternative-- Local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during forest and grassland plan revisions...

The procedures would recognize the role of local forest decision making for management of both inventoried roadless and smaller or uninventoried unroaded areas. Local decision makers would consider social and ecological characteristics of inventoried roadless and other unroaded areas through their local forest planning efforts. With respect to inventoried areas, local responsible officials could not authorize the construction or reconstruction of roads but would retain discretion to consider appropriate additional management protection for inventoried roadless areas..."

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Since a majority of the public and local governments read the Summary, the description of alternatives is misleading. The Summary makes it appear that the Forest Service will allow road construction and reconstruction until Forest Plan revisions are undertaken with a full range of options, including the use of roads. The DEIS closes the door for local officials to consider roads as a management option by adding the sentence "...local responsible officials could not authorize the construction or reconstruction of roads..."

Relief: The Forest Service must clarify the Summary to be consistent with the parent document. In addition, the Forest Service must determine, identify, and address the numerous comments received from individuals, groups, and local governments that read only the Summary and interpret it as leaving a full range of options open in the future.

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

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

7. **Comment:** Tables 2-2 and 2-3-- The table comparing the alternatives and environmental consequences provide an incomplete comparison by omitting certain sections analyzed in Chapter 3, Environmental Consequences. This leads to potential errors in interpreting the full effects of each alternative.

Relief: The Forest Service must rewrite Tables 2-2 and 2-3 to include all the information disclosed in Chapter 3.

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

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

CHAPTER 3--AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

COMMENTS ON CHAPTER 3

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Introduction

No Comments

Overview of Inventoried Roadless Areas

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

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

General Setting, Trends, and Assumptions

Demographics

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

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

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

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

Resource Use and Demand

4. **Comment:** Page 3-9-- There are a number of issues that are inconsistent in this section:

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First, Chapter 3 extensively references the supply side of resource use (affected environment discussions) but this is the only section that refers to the demand side. Each following section needs to fold in resource demand so one reviewing the document may make a reasonable comparison of impacts.

Second, much of the information presented in this section is not referenced, such as, discussions about the demand for amenity and ecological values, commodities, roads, and open space. In addition, the discussion is very shallow and does not provide enough information for local governments to adequately assess potential impacts of the "Proposed Action".

Third, in the discussion on open space, reference is made to the importance of roadless areas. Open space is most commonly referenced in areas of community growth, e.g., parks, riparian zones, undeveloped areas, etc. The statement that open space is being lost on other ownerships is not necessarily true--many counties are requiring open space through zoning and community planning. In addition, the document does not address roadless and open space contributions of other land management agencies, such as the BLM, NPS, FWS, etc. And, it is important to include that the demand for commodity uses will also increase in roadless areas.

Fourth, the statement that "Appeals, litigation, and withdrawn decisions have reduced the amount of planned road construction and/or timber harvest, and it is likely that this trend will continue," contradicts the statements made earlier in the Purpose and Need section and on the Agency Costs section that "The national prohibitions are expected to remove some of the controversy over roadless areas."

Relief: The Forest Service must: 1) quantitatively address the demand for resources and uses, 2) provide references for the demand of resource use, 3) assess the contribution of open space by other agencies and local governments, and 4) correct the discrepancies cited.

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

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

Agency Management Policies and Administrative Factors

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

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effective up to one mile in forest stands that contain enough value to recover costs. This decision will only allow timber harvest on the perimeter of roadless areas and areas that are economically feasible (up to one mile inside a roadless area) (Page S-37, Page 3-108-109, 3-113, 3-115, etc.) creating significant impacts in those local areas. This assumption is supported by the statement on Page 3-12 that"...impacts of timber and special products harvest are greatest close to roads and generally decrease as the distance from roads increases." The document further states that some roads are necessary for helicopter yarding (3-113-115) but the "Proposed Action" essentially eliminates this from any consideration. The "Proposed Actions" to include timber harvest is not feasible based on the constraints imposed and the impacts it will cause on the perimeter of roadless areas.

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

7. **Comment:** Page 3-11-- This section also makes a statement that "This analysis assumes that reductions in timber volume resulting from any of the prohibitions would not be replaced with timber volume from other National Forest System Lands." Other sections make the assumption that replacement volume would come from other sources, such as private ownerships and Canadian imports. The questions that need to be addressed are: 1) Will shifting the harvest to private ownership and Canada create a cumulative impact on other sensitive areas, species, and resources identified in the document? and 2) will the impacts potentially be more severe than those occurring on National Forest System lands?

Relief: The Forest Service must quantitatively analyze the affects of this statement on local communities, other environments (private lands and Canada), and the national demand for raw materials and address the questions of cumulative impacts to Canada and private lands.

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

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

Environmental Conditions

9. **Comment:** Page 3-12, fourth paragraph-- What is the reference that recreation opportunities in semi-primitive and primitive settings will continue to decrease in most non-federal ownerships?

Relief: The Forest Service must cite a reference for this assumption.

10. **Comment:** Page 3-12, fifth paragraph-- This paragraph implies that "...mechanical thinning will be needed to bring many high-risk forests back to a healthy condition" as a mitigation measure to the problem of insect and disease epidemics. How will this be accomplished without

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access to these areas? Helicopter thinning is not economically feasible in most areas. Therefore, the agency will be required to subsidize these costs negating the assumption that the "Proposed Action" will result in overall minor changes in costs of managing roadless areas (Page 3-200).

Relief: The Forest Service must conduct a thorough quantitative cost analysis of changes in management as a result of implementing the "Proposed Action". Many costs associated with these proposed activities in roadless areas will be many times the cost over the "No Action."

Effects of the Prohibition Alternatives

The Forest Service Road System

11. **Comment:** Entire Chapter-- Most Americans would probably agree that there are roadless areas that should be removed from intensive forest management. However there are also roadless areas that require forest management. Some management can be implemented without building roads, but roads can, and often do, reduce the cost of management over the long term. With the exception of Congressionally designated wilderness, forest roads are an important option for local Forest Service managers to consider when making management decisions and should not be arbitrarily precluded. Local residents depending directly or indirectly on their livelihoods from goods and services produced on their National Forests will be the people impacted if this proposal is implemented.

Relief: The Forest Service must discuss the positive benefits of roads on management of the national forests to display an objective evaluation and build integrity in the analysis.

12. **Comment:** Page 3-15, first paragraph-- The Affected Environment states that almost 24,000 miles of roads have been decommissioned between 1991 and 1999. At this rate, in the next nine years, almost 216,000 miles will have been accomplished equating to 56% of the Forest Service road system. Also, the ratio of construction miles to decommissioning miles is approximately 1:433. These are important figures to display. This simple analysis poses the question of "Why must a national rule be proposed to prohibit road construction and reconstruction when the problem is being addressed, somehow, by other priorities.

Relief: The Forest Service needs to disclose how this is happening, how it is being funded, and how the "No Action" alternative can meet the same objective as the "Proposed Action".

13. **Comment:** Page 3-15, last paragraph-- The discussion states that implementation of policies using best management practices for road design, construction, mitigation, etc. cannot entirely eliminate adverse environmental effects. That is true for many resource decisions, such as campground construction/reconstruction, watershed rehabilitation (removing culverts, bridges, obliterating roads, etc.), grazing improvements, habitat improvements (both aquatic and terrestrial), some recreational uses, and fire. So, why is road construction and reconstruction any different. The agency appears to be willing to take the risk of catastrophic wildfire and other activities which can cause many of the same effects on water, soil, habitat, etc., but not take those risks where managers have some control. (This comment also refers to statements made in the section on Watershed Health, Page 3-23, 2nd paragraph)

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Relief: The Forest Service must disclose the impacts of these other activities and use them as a comparison to the "Proposed Action". How much are these other activities (vs. road construction, reconstruction and timber harvest) contributing to resource impacts? Otherwise, an unfair analysis will result leading to a biased selection.

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

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

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

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

Ecological Factors

16. General **Comment:** This entire section is so biased against roads and timber harvesting that one cannot begin to identify all the discrepancies. 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, providing access for water related recreational activities, access for fire suppression activities and fuel management, vegetative management, etc.

Cumulative effects are rarely quantified. Subjective conclusions are provided, such as small increments, most benefits, lowers the likelihood, increased incidence, slightly increasing, sharp reductions, minimizing, measurable, lower risk, etc. that are essentially meaningless. What do these mean? The Forest Service cannot make a reasonable decision on effects using these subjective conclusions. On the other hand, local government officials cannot adequately interpret these conclusions and determine what effects they may have within their jurisdictions. This

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provides even more reason for these decisions to be made at the local level where cumulative effects can be quantified.

Relief: The Forest Service must completely rewrite these sections in an objective manner, provide a specific quantitative analysis of impacts, and replace subjective evaluations with quantitative evidence.

Introduction and Overview

17. **Comment:** Page 3-22, second bullet list on Forest Health-- The statement that protecting more inventoried roadless areas from roading would result in a reduction in the occurrence of human caused fires, without disclosing the potential for increases in large catastrophic wildfires caused by lightning, is misleading. Lightning is responsible for approximately 75% (Page 3-152) of the annual acreage burned by wild fires in inventoried roadless areas in the West.

Relief: The Forest Service must provide evidence for this assumption and clarify the discrepancy.

Watershed Health

18. **Comment:** Page 3-23, first paragraph-- The statement that "...poorly managed timber harvest activities can be the major source of sediment from the sale area." Why then, does the Forest Service design and allow for poorly managed timber sales?

Relief: The Forest Service needs to answer this basic question.

19. **Comment:** Page 3-23, third paragraph-- Alternatives that allow timber harvest for stewardship reasons using mechanical thinning, prescribed fire, and other means will reduce the risk of catastrophic fire and effects on water, soil, and air resources is an assumption that is not realistic. See comments under numbers 6 and 13.

Relief: Same relief as described under Comments 6 and 13.

Water Quality and Timing

20. **Comment:** Page 3-25, Alternative Evaluation-- The discussion on peak flows, flood flows, and annual water yield in Alternative 1--No Action fails to provide an adequate disclosure of effects for comparison to other alternatives. What is the difference between this alternative and others? What is the expected difference in magnitude? Are they fractions of a percent or double digit percentages? In addition, most studies have concluded that effects of water yield and timing are much more associated with large fires than with the relatively small areas treated by timber harvest. The potential effects of more frequent large fires on water quantity and timing have not been disclosed and they are extremely important, particularly to those in the West. What are the anticipated effects of the action alternatives on downstream water users?

Relief: The Forest Service must quantify this discussion in order to conduct a rational evaluation

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and address the questions presented. Specifically, what will be the impacts to downstream users, such as, communities, agriculture based business, and others.

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

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

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

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

Water Quality and Drinking Water Source Areas

23. **Comment:** Page 3-26 and 3-33-- This section discusses the effects of alternatives on drinking water and lists the highest likelihood of impacts on numerous areas. In addition, the Federal government, through the U.S. Environmental Protection Agency, has delegated authority to most State Departments of Environmental Quality for administration and enforcement of the Clean Water Act and the Safe Drinking Water Act on Forest Service administered lands. Specific questions needing answers include: 1) Will the "No Action" alternative exceed drinking water standards? 2) Are these areas already exceeding drinking water standards? 3) How many miles of road and acres of timber harvest are scheduled for these areas? 4) What is the magnitude of the effects from "No Action" to one of the "Action Alternatives"? 5) Will the "Action Alternatives" affect water supply to communities?

Relief: The Forest Service must provide answers to these questions in order to provide an objective evaluation and disclosure of impacts.

24. **Comment:** Page 3-31, first and fourth paragraphs-- The average reader will have no idea what TMDL's are. These bureaucratic acronyms and abbreviations need to be defined in the glossary as well as defined the first time they are used in each section of the document.

Relief: The Forest Service must define these terms and include them in the glossary.

25. **Comment:** Page 3-28-- The discussion on impaired watersheds does not indicate where they are located and their relationship to roadless areas (except for the very small scale map in Figure 3-13). Since many of these watersheds have an impact on local communities, they need to be

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identified in order that local government officials can adequately assess the impacts of the alternatives.

Relief: The Forest Service must provide a list of impaired watersheds nationally by roadless area and county. Only then can local government officials determine the effects of the alternatives and provide meaningful comment.

Soil Loss and Sedimentation

26. **Comment:** Page 3-32, last paragraph-- The discussion on risk of precipitation and runoff events is only included in the "No Action" alternative. This discussion is not included in other alternatives. The discussion, itself, fails to address the probability of precipitation and runoff events, e.g., 10 year, 100 year, or 1,000 year events. This information would lead to an objective discussion of the probability of these events and possible impacts from the "Action Alternatives".

Relief: The Forest Service must evaluate the probability of these natural events and provide an objective discussion for all alternatives.

27. **Comment:** Page 3-32 through 3-35-- The analysis fails to consider the added risk of soil loss and sedimentation due to the potential increases in large catastrophic fires and insect and disease epidemics. These impacts can be a result of less effective fire suppression and the reduced ability to treat insect and diseases at endemic stages. Simply put, the increased risk of catastrophic fire = increased loss of soil = impacts to municipal watersheds, irrigators, etc.

Relief: The Forest Service must quantitatively evaluate and disclose the effects of added risk (catastrophic fire and insects and disease) due to fewer roads on National Forest System Lands.

28. Comments: Page 3-35, third and fourth paragraphs-- The Cumulative Effects section is simply a reiteration of the direct and indirect effects. Both are so general that they are little help to the reader in evaluating alternatives. Mitigation measures are not even discussed.

Relief: The Forest Service must address real cumulative effects and not reiterate the direct and indirect effects of the alternatives.

Mass Wasting

29. **Comment:** Page 3-39-- The analysis again fails to consider the added risk of mass wasting due to the increased potential of large catastrophic fires.

Relief: The Forest Service must conduct an evaluation on the probability of increased risk of mass wasting as a result of catastrophic fires.

30. **Comment:** Page 3-39, states that the "No Action" alternative poses the greatest probability of mass wasting of all alternatives considered. How much more? What is the magnitude of this probability?

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Relief: The Forest Service must provide a quantitative evaluation of all alternatives in order to compare effects of mass wasting as addressed in the questions presented.

Channel Morphology

31. **Comment:** The are numerous examples of entire stream channels being "blown out" in a matter of hours following large catastrophic wildfires, e.g., Yellowstone National Park in 1988 and the Independence Fire in 1979, Selway-Bitterroot Wilderness. Soil types, slope, vegetative cover, channel type and other variables all contribute to the potential for changes in stream channel morphology. To confine the effects analysis to just the direct effects of roads and timber harvest is misleading.

Relief: The Forest Service must include an analysis of the potential effects of large fires for the "Action Alternatives". The potential downstream effects on water quality, water flow, municipal water storage, property damage, etc. must be evaluated.

Fire Effects on Watersheds

32. **Comment:** General-- The previous comments focus strongly on what this section should reveal. However, this section vaguely discusses the effects of wildland fire on watersheds. As pointed out later in the Draft EIS, human-caused fires have accounted for only about 25% of the fires in inventoried roadless areas over the decade from 1986 to 1996. The long term effects of fuel buildups and lack of access for suppression could have the potential for large catastrophic fires that can cause watershed degradation. The possible effects of wildfires on local down stream water users, irrigators, ranchers and recreationists needs to be evaluated and disclosed.

Relief: The Forest Service must address the potential and probability of more and larger catastrophic fires and the effects of these fires in order to disclose the effects to downstream users and communities.

33. **Comment:** Page 3-42, seventh paragraph-- The paragraph stating that curtailing road construction "...may slightly increase fire risk of large and damaging wildfire..." is an assumption not supported by evidence.

Relief: The Forest Service must provide evidence for assumptions, such as this.

34. **Comment:** Page 3-42, last paragraph-- The last sentence of the page reads " Any large fire that results from the inability to treat fuels could affect on-site and downstream soil, water, and air resources." How and to what degree may this happen? To simply state "could affect" does not begin to adequately disclose predicted effects and their significance as required by CEQ Regulations 1502.16.

Relief: The Forest Service must, again, be more specific in disclosing the impacts of the alternatives.

35. **Comment:** Page 3-42, Alternative 2-- There are many recent examples of the Forest Service

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building roads into roadless areas for fire suppression efforts. The "Proposed Action" would appear to prevent this important fire suppression tactic to be used for the protection of domestic water sources. Is this a correct assumption? Since road prohibitions are exempt for purposes of protecting life or property (Page 2-4), is municipal water considered property?

Relief: The Forest Service needs to provide an answer to this question.

Air Quality

36. **Comment:** Page 3-46-- On one hand the reader is left with the impression that the lack of new road construction and associated timber harvesting will be a benefit to the air resource. However, on the other hand the effects analysis points out that the decreased ability to treat fuels likely will lead to an increase in large uncontrolled wildfires that impact air quality. For example, the "No Action" alternative states "Emission from road construction, reconstruction, and use will present a chronic air pollution impact." However, in the "Proposed Action" Alternative (Alternative 2), it is stated that "...a slight additional risk of large and damaging wildland fires," will result. Why is one chronic and one slight? Large uncontrolled forest fires can create a summer-long chronic situation, whereas, most roads in the national forests are seasonal in nature, e.g., covered by snow months of the year.

Relief: The Forest Service must provide an objective analysis of the effects of alternatives using quantifiable data.

37. **Comment:** Page 3-44, fifth paragraph-- It is certainly not apparent to most readers what a "non-attainment" area is. A definition is not provided in the text or in the glossary.

Relief: The Forest Service must define these terms and add them to the glossary.

38. **Comment:** Page 3-46, second paragraph-- The "Proposed Action" makes no mention of the effects posed to local residents with respiratory problems resulting from the increased potential for massive amounts of smoke associated with large wildfires. Contrary to planned management actions, where these residents can be forewarned and take appropriate preventive actions, this is not possible in the early stages of wildfires.

Relief: The Forest Service must address this impact and disclose the potential adverse effects.

39. **Comment:** Page 3-43, second paragraph-- There is no analysis in the cumulative effects sections for any of the alternatives addressing the statement that "all management activities on National Forest System Lands must consider air quality related values for all Class 1 areas managed by any agency, not just those on Forest Service lands." The cumulative effects of any proposal in this context must be addressed. What, if any, will be the effects of this proposal on the programs of the other agencies and Native American Tribes? How could their management affect the air quality on adjacent Class 1 airsheds managed by the Forest Service? For example, where a tribe might accelerate its timber harvest program to help respond to an increase in demand for timber products resulting from decreased harvest in roadless areas?

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Relief: The Forest Service must address this issue in a cumulative effects analysis.

Biological Diversity

40. **Comment:** Page 3-47 and 3-48-- The Biological Diversity section does not explain how roads or timber harvest impact biodiversity, but that roadless areas support more. The scope of 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. We could assume that in many roaded ecosystems biodiversity thrives--it depends on specifics, again, and the analysis does not provide those. Why are Noss and Cooperrider and the World Commission on Environment and Development the only references cited in this discussion?

Relief: The Forest Service must provide an objective and unbiased discussion of the Affected Environment and effects of the alternatives. This section needs to be rewritten or heavily edited.

Ecoregions

41. **Comment:** Page 3-52 and 3-53-- On Page 3-48, the discussion of Ecoregions specifies that 12% of a county's land mass be designated as conservation reserves. However, the discussions on Page 3-52 and 3-53 refers to 12% and 25% thresholds. What is the proper figure? It would be helpful to disclose the contributions of other agencies and private land holdings on the total acreage and roadless acreage within the 83 ecoregions within the continental United States. Other questions include: 1) Where is the authority for designating "conservation reserves"? 2) What happens when an ecoregion is significantly altered by a catastrophic fire--one that burns 50,000 acres in a roadless area? Would it be the intent to close other areas to maintain the acreage in conservation reserves? 3) What do other land management agencies contribute to these numbers? 4) What effect will designating these areas as "conservation reserves" have on local communities who depend on commodity and non-commodity uses of the national forest?

Relief: The Forest Service must address these questions, particularly the question regarding the authority to designate "conservation reserves".

Fragmentation

42. **Comment:** Page 3-57, third paragraph-- The section on Fragmentation makes some erroneous statements. On Page 3-57, No Action, the document states that "More than half of the timber harvest volume is expected to be from clearcutting...Clearcutting is an important cause of biodiversity loss." This is misleading and contrary to other statements on Page 3-114 that states "Nationally, clearcutting has decreased from 31% of total harvest acres in 1989 to only 10% in 1997." One statement uses "volume" and the other "acres." However, using "volume" figures makes the impact sound more severe.

Relief: The Forest Service must be clear in the comparisons and use consistent units of information.

43. **Comment:** Page 3-59, Cumulative Effects-- The cumulative effects of the "Action

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Alternatives" all predict a lower risk of future landscape fragmentation, relative to the action alternative. The analysis fails to address cumulative effects. What about the effects of the "Action Alternatives" on other agencies and ownerships? For example, will the projected increase in private timber harvesting resulting from the proposed alternative result in more fragmentation on these lands? This must be analyzed to adequately disclose cumulative effects as they are defined in NEPA.

Relief: The Forest Service must address the potential increase in fragmentation and detrimental effects on private and other ownership lands as a cumulative effect.

44. **Comment:** Page 3-59-- Many scientists and land mangers, particularly in the intermountain west, agree that these ecosystems were historically fragmented and are either within, or close to, their Historic Range of Variability (HRV). Many National Forests have completed HRV assessments that help to define fragmentation by looking at such factors as pre-settlement fire frequencies, stand and patch sizes and connectivity. These should be considered, at least at the Ecoregion Level, rather than simply taking a "quick look" at the different management activities that are currently allowed (page 3-57, Table 3-11) and applying an unscientific risk analysis to predict effects. In addition, this type of analysis is most efficient if completed at the local level.

Relief: The Forest Service must address these issues at the local level and objectively disclose the effects for all alternatives.

45. **Comment:** Page 3-58, fifth paragraph-- To use Grizzly bear recovery potential as a measure of the effects of the proposed alternative on fragmentation is analogous to using coyote populations to "measure" the health of the sheep industry. A much better "measure" would be a disclosure of predicted road densities, average patch sizes on a large scale and major barriers such as interstate highways and urban areas. This data is available through sources such as the U.S. Fish and Wildlife Services' "GAP" Analysis Maps. It is also questionable to use the restricted range of the Grizzly bear as a habitat fragmentation effect indictor for the hundreds of vastly different species nationally, including such species as narrowly distributed endemic snails that might or might not be affected by fragmentation.

Relief: The Forest Service must address fragmentation using the factors identified above at the local level and avoid using species, such as the Grizzly Bear and snails, which may not represent the majority of roadless area impacts.

Size Considerations

46. **Comment:** Page 3-66, first paragraph-- This section on Size Considerations, and other sections, addresses that stewardship activities can have local beneficial effects to ecosystem health and biodiversity. However, the discussion always focuses on the benefits of reducing fire intensity in Ponderosa Pine forests and never addresses the impacts of long-interval fire regimes that make up a significant amount of the forests--particularly in the West. Fire intervals in these Lodgepole Pine forests are 100 years or more and naturally catastrophic as witnessed during the 1988 fire season. These events are not conducive to increasing the survivability of large, old growth pines, reducing mortality from moisture stress, or reducing outbreaks of insects and

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diseases.

Relief: The Forest Service must address long-interval fire regimes and disclose how they intend to reduce the threat of catastrophic fires. Only one side of the fire interval regime (short-interval fires) is evaluated in the entire document.

47. **Comment:** Entire Section-- There is no disclosure of the contribution of other agency and private lands. Any analysis at this scale must address the total contributions of all lands when addressing biodiversity and not just Forest Service lands. In addition, the disclosure of cumulative effects, again, addresses the aggregate effects of only Forest Service actions and fails to address the cumulative effects of the "Proposed Action" on other agency and private lands.

Relief: The Forest Service must address the contribution of other agency and private land ownership on the effects of protected areas. Also, a more detailed disclosure of cumulative effects is necessary to adequately evaluate effects of alternatives.

Elevation Distribution

48. **Comment:** Page 3-66 through 3-69-- The emphasis placed on the protection of lower elevational roadless areas again points to the lack of consideration of lands other than those managed by the Forest Service. Many high quality large blocks of privately owned roadless acreage are protected under conservation easements and other measures. They are generally lower elevation than those lands managed by the Forest Service and contribute greatly to the overall biodiversity. In addition, the BLM manages millions of acres of these lower elevation ecosystems.

Relief: The Forest Service must, again, evaluate the contribution of private and other agency ownership in this evaluation.

Terrestrial Animal Habitat and Species

49. **Comment:** Page 3-75, Alternative 2-- The assumption for the "Proposed Action" states that "No adverse direct, indirect, or cumulative environmental effects to terrestrial animal species and habitats would be expected..." All the arguments under the "No Action" alternative potentially mean larger populations of species that do not necessarily respect roadless area boundaries. The Forest Service needs to disclose the potential impacts of growing populations of wildlife species that may result in off-site impacts, such as grizzly bear, wolf, elk, and deer. Basically, populations in a growth mode result in migration resulting in potential depredation, human encounters, effects on livestock, and even domestic pets. Examples of areas where this has occurred is Yellowstone (grizzly bears, wolves, bison, and elk) and the Rocky Mountain Front in Montana (grizzly bears and wolves).

Relief: The Forest Service must identify the potential off-site impacts of expanding wildlife populations and potential indirect effects on people living in rural and semi-urban areas.

50. **Comment:** Entire Section-- State wildlife agencies are charged with the management of the

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wildlife species on all lands, including Forest Service, within their respective boundaries. No discussion was considered of possible effects of this proposal on the states' jurisdictional authority to carry out their legally mandated responsibilities. Examples include unfunded impacts of grizzly bear, wolves, etc.

Relief: The Forest Service must evaluate and disclose the potential impacts on state wildlife agencies for management of expanding wildlife species.

51. **Comment:** Page 3-72, fourth paragraph-- A current and projected road density by alternative would be very helpful for evaluating effects. Most studies evaluating habitat effectiveness have concluded that open roads account for the greatest decline in habitat effectiveness (Lyons and others 1982). These and other studies have found that road closures (even seasonal) restore habitat effectiveness to their original levels.

Relief: The Forest Service must display current and projected road densities to effectively evaluate habitat effectiveness for local species. Then, they must determine the effectiveness of a full range of road closure (seasonal, year-long, etc.) alternatives that allows for road construction, reconstruction, and timber harvest.

52. **Comment:** Page 3-71 to 3-72-- Although interesting, this lengthily discussion of general relationships between wildlife populations and their habitats adds little to help the reader evaluate the effects of the "No Action" alternative on wildlife habitat. Charts and or graphs would be very helpful. After nearly three pages the reader is left wondering "what are the direct and indirect effects of this alternative compared to the other three alternatives?" The same is true for the effects discussion of the other alternatives. In addition, errors occur in calculating the level of timber harvest reductions to assess impacts. On Page 3-76, a reference is made to a 33% reduction in timber harvest levels over other alternatives. A review of Table 2-2 indicates this reduction is 66%. This represents a 50% increase in harvest level reductions.

Relief: The Forest Service must provide graphs and charts to display data in order for the reader to adequately assess the direct and indirect effects of alternatives. In addition, errors in calculations must be corrected to accurately assess impacts.

53. **Comment:** Page 3-77, last paragraph-- The Cumulative Effects section needs to address the effects on other agency and private land habitat. This is particularly true in the western states where privately owned lower elevation winter ranges are used extensively by deer, elk, antelope, wild turkey and many other game and non-game species. Many state managed winter game ranges are at or above carrying capacities, particularly for elk, in many areas of the West. What, if any, cumulative effects will these alternatives have on wildlife population levels and wildlife habitats including the potential for increased damages to privately owned crops and forage?

Relief: The Forest Service must address the cumulative effects of the "Proposed Action" on other agency and private lands.

Aquatic Animal Habitat and Species

54. **Comment:** Page 3-79, 2nd paragraph-- This discussion indicates that keeping road densities low produces strong fish populations. By managing road densities vs. prohibiting road systems,

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fish populations can be maintained and increased. However, on Page 3-81, the discussion is anti-road and anti-timber harvest and gives one more perception that the goal is to eliminate roads and timber harvest.

Relief: The Forest Service must provide an objective analysis of this section. Also, "keeping road densities low" indicates a need for an alternative that addresses the option of using roads and timber harvest with proper planning on road densities.

55. **Comment:** Entire Section-- State Fisheries agencies are charged with the management of fish species on all lands, including national forest, within their respective boundaries. No disclosure is given for the possible impacts to State Fisheries Agencies and their programs. For example what, if any, additional requirements or costs on fish stocking and inventory programs will implementing the "Action Alternatives" have?

Relief: The Forest Service must address this issue of impacts on state fisheries agencies.

56. **Comment:** Page 3-71, third paragraph and page 3-81, third paragraph-- The lead paragraph for the effects analysis for the "No Action" alternative is almost word for word as the terrestrial section. This only emphasizes the general "broadbrush" approach to the effects analysis. NEPA and the courts have continually held that agencies must take a "hard look" at the environmental effects of proposed actions.

Relief: The Forest Service must apply a more specific analysis of the "No Action" alternative and avoid repetitive discussions from other sections.

57. **Comment:** Entire Section-- After pages of narrative in this section, the effects are not adequately disclosed. Instead, a simple risk assessment is used to evaluate alternatives based on the predicted levels of future timber harvest and road construction. At a very minimum, the effects analysis should include variables, such as average expected stream crossings and culverts required per mile of road constructed or reconstructed. This would at least provide the reader a sense of how the alternatives differ and their potential adverse impacts. On a national average, how many miles of road are required per million board feet of timber harvested? How is the reader expected to evaluate the discussion and comment when this information is not disclosed?

Relief: The Forest Service must provide a quantitative evaluation of the effects and consider applying the data on "miles of road/million board feet" of timber harvested.

Terrestrial and Aquatic Plant Species

58. **Comment:** Page 3-88, Alternative 1-- The discussion provides an assumption that 50% of inventoried roadless areas could be affected through road construction in the next century. This is simply an extraction of historical trends and provides a misleading conclusion. The error in extrapolating data in this manner is that it does not indicate that trends in road construction have declined significantly over the past two decades. This factor was not taken into account. In fact, the probability is extremely low that this much road construction will take place in the future. There are many laws, regulations, and planning efforts that will determine the need for roaded entry, as well as, protection measures for any sensitive or critical species, ecosystem, or habitat.

Relief: The Forest Service must provide an objective evaluation of effects and assumptions. The

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argument supports that the disposition of roadless areas needs to be addressed at the local level, not through a national rule.

59. **Comment:** Entire Section-- States and local governments have concurrent jurisdiction over many issues, and primacy over many others, that are interwoven and incapable of separation from any realistic examination and disclosure of effects. In this case, states and county weed boards have jurisdictional responsibilities for the containment and control of invasive non-native plants, e.g., noxious weeds. This includes lands administered by the Forest Service. Again, no consideration or discussion is given of how this proposal could affect local control of noxious weeds in these roadless areas. Will there be increased costs associated with noxious weed management incurred because of the proposed restrictions on roads in current roadless areas? These issues need to be discussed and disclosed.

Relief: The Forest Service must address the impacts to state and county weed control boards. The distribution list for this document indicates that they were not sent a copy for review. This provides further support that the decision must be made at the local level to insure input from these important entities.

Threatened, Endangered, Proposed, and Sensitive Species

60. **Comment:** Entire Section-- This entire discussion appears to blame the demise of species on road construction and timber harvest. On Page 3-92, the bullet list has no reference of how this information was developed and how the conclusions were drawn. In order to put this in perspective, the analysis fails to assess other potential reasons species become threatened or endangered. In fact, the Fish and Wildlife Service data base for the year 2000 suggests that many of the species being listed, or considered for listing, are located in areas where timber harvest and road construction does not occur. Many of the species are impacted by agriculture uses, water depletion, population growth and development, and commercial activities (e.g. commercial fishing). The Forest Service needs to conduct an assessment of how many species are actually affected by road construction and timber harvest, rather than, inferring that roadless areas are the only place left on earth that these species do and can survive. Many other areas of the National Forest System support the conservation of T&E species.

Relief: The Forest Service must evaluate the impacts of the alternatives on T&E species in a more objective manner. This analysis must address other factors, as well as other areas, that support the conservation of T&E species.

61. **Comment:** General-- The requirements of section 7 of the Endangered Species Act clearly provides for the protection of all proposed and listed species. Any proposed roads in unroaded areas would have to undergo consultation and receive concurrence from the U.S. Fish and Wildlife Service that the proposed roads would not adversely effect or jeopardize listed species or their critical habitat. To infer, as this section does, that the proposed ban on future roads in itself will be beneficial to all threatened, endangered and Forest Service sensitive species and their habitats, without disclosing a supporting Biological Assessment is misleading.

Relief: The Forest Service must disclose the process that currently exists and how it contributes to conservation of T&E species for all projects on the national forests.

62. **Comment:** Page 3-92, second paragraph-- Threatened, Endangered, Proposed, and Sensitive

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Species need to be defined. None of these terms can be found in the glossary. In addition, there is no reference where the species in Appendix C reside locally--identification of Forest Service regions is lacking in specificity.

Relief: The Forest Service must define these terms and include them in the glossary. Also, Appendix C must disclose the counties where these species may be found.

Forest Health

Fuel Management

63. **Comment:** General-- This is one of the most objective analyses completed in the entire document. However, there are still some questions and analysis that must to be addressed in order for local governments to adequately determine the effects on communities.

64. **Comment:** Page 3-100, bullet list-- This list does not address: 1) The risk and probability of low priority large catastrophic fires starting in and burning out of roadless areas threatening public safety and property; 2) potential damages to watersheds and other resources, such as those occurring as a result of the 1988 fires; 3) potential for recovery and salvage of forest products (burned timber) and their subsequent lower values; and 4) using Ponderosa Pine forests as the standard of measure for fuel reduction does not address how to manage fire hazard in long-interval Lodgepole Pine and Spruce forests.

Relief: The Forest Service must address these issues in the Cumulative Effects section.

65. **Comment:** Page 3-103, second paragraph-- The statement suggests that the Forest Service hopes to make substantial reductions in the number of acres rated at moderate to high risk from catastrophic wildfires. Page 3-103 suggests mechanical treatment (thinning, chipping, hand piling, dozer piling, yarding, helicopter logging, mastication, mowing, and crushing fuels) may be needed in most high-risk areas and 50% of moderate risk areas. A simple conclusion should be made that many of these treatments will result in the same impacts as road construction and timber harvest. So, why are they different? After all, these activities will create disturbance, changes, and fragmentation of habitats.

Relief: The Forest Service must explain why the activities they propose are less impacting than those traditionally used to manage the national forests, such as, roads construction, reconstruction, and timber harvest.

66. **Comment:** Page 3-107, Cumulative Effects-- The cumulative effects discussion on Page 3-107 fails to address the potential impacts of catastrophic fires on public safety, property, and health (air quality). There are potential effects on local governments for the need to construct fuel and fire breaks around communities, increase training of fire personnel in wildland firefighting, procurement of specialized wildland firefighting equipment, and higher levels of disaster planning for communities.

Relief: The Forest Service must consult with local communities to adequately evaluate and disclose the effects of catastrophic wildfire on public safety, health, and impacts.

67. **Comment:** Page 3-104, fifth paragraph-- Many acres of forest fuels have traditionally been

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treated through the use of timber sale generated funding. Brush disposal funds are authorized for fire hazard reduction on timber sale areas. An added benefit is often the concurrent reduction of natural fuel loading within the sale area at the same time. It is questionable if the Forest Service will have the funding available, without a viable timber sale program, to conduct any effective fuels treatment program in roadless areas if the "Proposed Action" is implemented. How will the Forest Service replace these funds?

Relief: The Forest Service must address the impacts of less timber sale generated funding for fuel reduction, e.g., brush disposal funds.

68. **Comment:** Entire Section-- This section relies heavily on a fuels reduction program to mitigate the effects of decreased roading and timber harvest. Although the effects analysis acknowledges the substantial increases in costs, no disclosure is made as to where the resources to implement the proposal will come from, e.g., personnel, equipment, etc. Many factors influence the availability of these resources, such as, extended fire seasons, reduced budgets, hiring limitations, and qualifications of people in the fire organization. These are factors that must be addressed and that cumulatively have severe impacts on any roadless area fuels reduction program.

Relief: The Forest Service must address the impacts of these potential shortages necessary to accomplish fuel reduction objectives.

Insects and Disease

69. **Comment:** Page 3-109, Cumulative Effects-- The cumulative effects discussion reflects a complete analysis that other disciplines should use. The facts are accurate that trees killed by insects and disease will add to the fuel loading, burn through all or part of the areas, have more severe impacts on soil and water resources, increase the government's liability for insect and disease epidemics if spread to adjacent private land, and incur higher costs for treatment without road construction.

Relief: None

Reference Landscapes

70. **Comment:** Entire Section-- The current forest planning process addresses the concept of "reference landscapes" through identification, evaluation, and allocation of Research Natural Areas. This concept appears to be a duplicate effort intended to justify the "Proposed Action". None of the "adaptive management" concepts discussed identify road management and design concepts or timber harvest management or design concepts.

Relief: The Forest Service must clarify the difference between "reference landscapes" and "research natural areas" and address the authority for creating another land management allocation. Also, address why adaptive management principles cannot be used for road construction, reconstruction, and timber harvest.

Human Uses

Timber Harvest

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71. **Comment:** Page 3-114-- The discussion relating to Allowable Sale Quantity (ASQ) is a classic example of a double standard. Under the current forest planning regulations, ASQ's are set during the initial planning process and have been reduced significantly through national direction on clearcutting, ecosystem management, NW Forest Plan, and the Forest Service Natural Resource Agenda. A great amount of analysis was used to determine these harvest levels and required NEPA documentation. However, little to no NEPA analysis was used to evaluate the effects of reduced harvest levels due to national direction listed above. Consequently, there have been significant impacts to communities, potential adverse environmental impacts to Canadian forests and private lands, and financial hardships to the timber industry. Furthermore, this document proposes to reduce timber harvest levels even further and still does not evaluate the cumulative impacts of harvesting in Canada and on private lands. In addition, the document fails to address the financial feasibility of helicopter or long cable yarding, impacts to the limited range of these yarding systems (see comments under Agency Management Policies and Administrative Factors for a discussion on impacts to roadless areas and the very probable result that these harvests will never occur), the reduced value of timber proposed for salvage, and feasibility of not using roads, even on a limited basis. Basically, the five year effect of reducing the offer from 1.1 billion board feet to 300 million board feet in roadless areas is not addressed. This accounts for another 27% reduction in the timber sale program from roadless areas and another 10% of the total national forest timber sale program.

Relief: The Forest Service must disclose the realistic effects of a continuing decline in the timber sale program to local communities.

72. **Comment:** Page 3-115, Alternative 2, 2nd paragraph-- This discussion states that the effects on the mix of stewardship and commodity purpose timber harvest is unknown. Why? With the resources the agency has to prepare this document, it's Natural Resource Agenda, and all the scientific knowledge it alleges to have, it is inconceivable that the agency cannot determine the effects on the environment, communities, social factors, and harvest levels. If the Forest Service cannot determine these effects it cannot make an informed decision of this magnitude and scope.

Relief: The Forest Service must determine and disclose the mix of stewardship and commodity harvest. Local communities and businesses cannot plan a future without knowledge of the effects that this Federal decision will have on them.

73. **Comment:** Page 3-112, second paragraph-- A very important element missing from the analysis is a discussion of the suitable lands that will be affected by the "Action Alternatives". Although "capability" is discussed, e.g., the 20 cubic feet per acre threshold, "suitability" is not discussed. Each Forest Plan in the nation based its Allowable Sale Quantity (ASQ) on the amount of suitable lands available for timber harvest. This involved many factors that included capability, access, spatial distribution, growth rates, logging feasibility and other variables. Effectively removing acres from the suitable timber base due to lack of road access can significantly affect the timber management programs on individual Forests by concentrating harvest on those areas that have been previously roaded and logged.

Relief: The Forest Service must evaluate and disclose how "timber suitability" will be affected. Although timber suitability is not addressed as a factor in the proposed revised planning regulations, they have not been finalized and do not apply to this analysis.

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74. **Comment:** Page 3-114, last paragraph-- Terms such as "even-aged, shelterwood, and seed-tree" need to be defined for the reader. They should also be included in the glossary.

Relief: The Forest Service must include these terms in the glossary.

75. **Comment:** Page 3-115, Alternative 2, first paragraph-- The statement that "under this alternative, timber harvest would continue" is misleading. In a practical sense, costs of alternative forms of harvesting such as helicopters (that still require roads in the immediate vicinity) are prohibitive. As disclosed further on in this section helicopter costs can range from 3 to 5 times higher than "ground- based equipment costs" and still must be with in a mile of a road.

Relief: The Forest Service must provide a realistic analysis of these alternative forms of timber harvest. In addition, identify areas of the country where these alternative forms of timber harvest can be economically supported.

76. **Comment:** Page 116, last paragraph-- The Cumulative Effects section must include a discussion of the effects on the suitable timber base and to Allowable Sale Quantity outside of roadless areas. There also needs to be a disclosure on the cumulative effects that could occur on state and privately owned timber lands as a result of implementing the "Action Alternatives". CEQ Regulations (1502.16) are very clear that the analysis will include discussions of "possible conflicts between the "Proposed Action" and objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned." This discussion is totally lacking.

Relief: The Forest Service must disclose the effects of the "Proposed Action" on ASQ and timber suitability outside of roadless areas. In addition, disclosure must be made on the effects of increased harvest on state and private lands intended to make up for the shortages of volume offered on national forest lands.

Recreation

77. **Comment:** General-- Overall, the entire recreation section needs to be shored up by providing information and data on how many people use roaded areas, unroaded areas, and wilderness areas. Only then can the balance of supply and demand be determined. The assumption on Page 3-125, last paragraph, is that the balance of roaded and unroaded should be 49% and 51% respectively. This is very speculative and a conclusion that has no basis other than it supports the "Proposed Action". The question that must be answered is, "Will this proportion create a large recreation land base for a very small segment of the population?"

Relief: The Forest Service must rewrite this entire section in an objective manner that reflects accurate assumptions and effects.

Dispersed Activities

78. **Comment:** Page 3-117, first paragraph-- The first paragraph under Dispersed Activities is a distortion of past management. Unroaded areas were NOT viewed as banks for future resource development. Where is the evidence for this kind of statement? This statement is an insult to all the previous Forest Service employees and community leaders that had a strong commitment to manage and use forest resources in a wise manner and meet social demands during their watch. The statement that the "...remaining relatively undisturbed landscapes have developed increased

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value in comparison to other lands" is strictly a value judgement of the author and has no foundation. This type of thinking is the reason that local communities are frustrated with Federal management of the national forests. Statements, such as these, are so biased they need to be purged from the document completely.

Relief: The Forest Service must rewrite this section in an objective and unbiased manner.

79. **Comment:** Page 3-120, third paragraph-- This paragraph makes a statement that "Recreation use data has never been collected specifically for inventoried roadless and other unroaded areas." The Forest Service has been collecting dispersed recreation data for decades--where are the references to the Recreation Information Management (RIM) report prepared annually? The conclusion can be drawn that without the ability to assess environmental consequences based on use, then this decision must be delegated to local agency officials and local governments who have the information.

Relief: The Forest Service must either find and disclose this information or delegate the decision to local officials who have the information.

80. **Comment:** Page 3-121, last paragraph-- This paragraph states that the alternative of "Prohibiting All Activities" was considered but eliminated from detailed study because decisions of this nature are better made through local planning and collaboration processes. Again, the document lends support that this decision is better made at the local level in cooperation with communities. If the document cannot address all possible alternatives then a decision, such as this, should not be made at the national level.

Relief: The Forest Service must develop and consider a full range of alternatives or delegate the decision to local officials who can meet CEQ Regulations regarding alternatives.

81. **Comment:** Page 3-122, Alternative 1, first paragraph-- This paragraph states that the "...underlying assumption in Alternative 1 is that inventoried roadless areas, outside of wilderness and other designated areas, are available for resource management activities that may degrade their unroaded characteristics." This assumption is totally false for two reasons: 1) The document itself (Page 3-1, Overview of Inventoried Roadless Areas) states that "...road construction and reconstruction is already prohibited on about 20.5 million acres," and 2) forest plan prescriptions govern which activities are allowed to take place and which are prohibited within given areas of a National Forest. If this assumption was used, as stated, then this analysis has little credibility to adequately determine effects of any of the alternatives.

Relief: The Forest Service must eliminate this assumption and develop an assumption that reflects an accurate scenario. The assumption, as written, will significantly overestimate the effects of road construction, reconstruction and timber harvest in the "No Action" alternative and underestimate the effects on the prohibition alternatives.

82. **Comment:** Page 3-122, Alternative 1, second paragraph-- This paragraph states that the demand for dispersed recreation is increasing in an environment that is decreasing. This is a supply and demand question. The supply (environment) is decreasing by only one half of one percent per year. On Page 3-117 it states that "A small segment (approximately 3 million acres) of the inventoried roadless areas have become developed with classified roads, recreation sites, and other constructed features causing a shift to the more developed end of the spectrum." The

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reason can be attributed to the statement made on Page 3-9 that says "The demand for high quality recreation experiences on public lands will continue to rise across a broad range of activities. These activities include motorized use such as off-highway vehicles and snowmobiles, and non-motorized uses..." In addition, on Page S-37, it states that the "Demand for dispersed, developed, and road dependent recreation is increasing." We know that the supply is declining slowly. At what rate is the demand increasing? These two factors need to be displayed in a graphical illustration to determine the trends of each.

Relief: The Forest Service must clarify this section in order to provide factual information and eliminate inconsistencies. Also, what is the impact of supply and demand on local communities who depend on a diversity of recreation activities?

Developed Sites and Road Dependent Activities

83. **Comment:** Page 3-126, first paragraph-- This paragraph states that "As classified and unclassified roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values." How can the Forest Service conclude this when they state on Page 3-245 that "...the proposed prohibition on road construction would reduce road-caused irreversible and irretrievable commitments to ... dispersed recreation activities in inventoried roadless areas..." Irreversible means you cannot go back but the text indicates it's possible. The Forest Service cannot have it both ways.

Relief: The Forest Service must clarify these discrepancies.

84. **Comment:** Page 3-122-- In order to evaluate a full range of alternatives this analysis must consider other alternatives that allow roaded recreation opportunities in inventoried and uninventoried roadless areas under existing or more restrictive environmental regulations.

Relief: The Forest Service must develop and analyze alternatives that address basic road management concepts, rather than prohibitions.

85. **Comment:** General-- No discussion has been given to the effects of maintaining, managing, or decommissioning the unclassified roads that currently exist in roadless areas. What are the effects of the loss of recreation opportunity if they are eliminated?

Relief: The Forest Service needs to assess the effects of this question and impacts to local communities that depend heavily on recreation activities.

86. Comments: General-- The proposed alternatives essentially eliminates future roaded recreation opportunities in roadless areas. This is, in fact, a land allocation decision that must follow the National Forest Management Act (NFMA) regulations, rather than, simply a disclosure through NEPA.

Relief: The Forest Service must allow these issues to be addressed in the land management planning process at the local level.

Recreation Special Uses

Dispersed Activities and Developed Sites and Road Dependent Activities

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87. **Comment:** General-- The Forest Service issues special use authorizations for many recreational activities. The authority to issue special uses is based on existing regulations (36 CFR 251.53). In this case the "Proposed Action" would place a freeze on all future special uses involving construction or reconstruction of roads within roadless areas. Essentially, any recreational special use project or facility in roadless areas that requires motorized access through a new or improved road is frozen. Outfitters, ski area operators, tour operators and other permitted activities will be affected. As disclosed on page 3-131, third paragraph, even currently proposed projects that will not have a decision in place before implementation of the proposed rule will not be exempt.

Relief: The Forest Service must analyze and disclose the effects of these proposed limitations on current and future permitted commercial and recreational uses.

Scenic Quality

88. **Comment:** Page 3-133, Alternative 1-- The document states that "...modifications to the landscape will be most severe in this alternative because there would be no national prohibitions as a screen during planning." This statement is untrue and very misleading. It is obvious the author does not understand that in the forest planning process areas were assigned "Visual Quality Objectives" or "VQO's." It appears this concept has been replaced by Landscape Character Goals and Scenic Integrity Objectives. Whatever they are called, objectives are identified as standards in the forest plan and managers do not have the discretion to violate them without amending the forest plan (through NEPA processes). These are not national prohibitions, but local planning standards that have the effect of an appealable issue.

Relief: The Forest Service must accurately disclose the current planning process and how scenic quality is addressed as a forest plan standard.

89. **Comment:** Page 3-133, Cumulative Effects-- As has been documented many times in previous sections, the potential for catastrophic fire and insect and disease outbreaks will increase under the "Proposed Action" alternatives. Entire viewsheds can be completely altered in a matter of a few hours. The effects of this potential must be disclosed far more thoroughly than simply stating (Page 3-133, fourth paragraph), that in the long run, scenic integrity could be maintained or improved.

Relief: The Forest Service must specifically address the effects of insect disease outbreaks and catastrophic and large fires on scenic quality. The effects disclosure is not adequate to compare alternatives.

Heritage Resources

90. **Comment:** Entire Section-- It has been well documented that a majority of culturally significant sites on National Forest lands have been discovered due to activities associated with road construction, reconstruction, and timber harvest. In response to Executive order 11593, charging federal agencies to inventory all lands for cultural properties, the effects of the prohibition alternatives must be disclosed.

Relief: The Forest Service must disclose the effects of the prohibition alternatives on Executive Order 11593.

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91. **Comment:** Entire Section-- There is no cumulative effects analysis for this section.

Relief: The Forest Service must conduct a cumulative effects analysis for all alternatives as required by CEQ Regulations.

Wilderness

92. **Comment:** Page 3-137, fourth paragraph-- Even though the document contains a disclaimer at the bottom of Page 3-137 regarding buffer zones around wilderness, the argument presented for preserving roadless areas looks, smells, and sounds like a buffer zone. The text states, "These areas (roadless) serve as a natural transition between lands affected by resource management activities and lands affected substantially by natural processes" and "...the additional distance from intense management activities provides more opportunities for natural processes to occur uninterrupted" supports the idea that they are being supported as buffer zones.

Relief: The Forest Service must delete any discussion and reference to "buffer zones" around wilderness. Many state wilderness acts also prohibit the management of surrounding areas as "buffer zones" to further protect wilderness.

93. **Comment:** Page 3-138, second paragraph-- The discussion references threats to wilderness character. What are they? They are not specifically identified but simply identified as threats.

Relief: The Forest Service must identify and disclose what these effects are.

94. **Comment:** Page 3-138, third paragraph-- This paragraph states that "...roadless and other unroaded areas...are still the reservoir for future designated wilderness areas." However, Page 2-17 concludes that the alternative of "Recommend All Inventoried Roadless Areas for Wilderness Designation" was eliminated from further consideration because "Most of the inventoried roadless areas in question have already been evaluated for wilderness in the land management planning process and it was determined for various factors that those areas should not be designated as wilderness." These statements severely contradict one another and the perception is that considering roadless areas as reservoirs for future wilderness is merely further justification for the "Proposed Action".

Relief: The Forest Service must eliminate these discrepancies and provide an objective analysis of the alternatives.

95. **Comment:** Page 3-138, Alternative 1-- This discussion states that the "...trend of shifting human patterns, increased resource management activity, and reduced ecological integrity in and around potential and designated wilderness will increase the threat to their wilderness character." The United States has had wilderness since the Wilderness Act of 1964 was passed by Congress. Why all of a sudden do we now have a problem?

Relief: The Forest Service must provide evidence where these so called threats have compromised the integrity of the wilderness preservation system since the inception of the Wilderness Act in 1964.

96. **Comment:** Page 3-139, Cumulative Effects-- The section addressing cumulative effects states that roadless areas will be managed "...in perpetuity unroaded." Only Congress has the

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authority to decide on such an action. Finally, the last paragraph under Cumulative Effects states that preserving roadless areas "...will reduce controversy and result in more stability." Other past initiatives, such as RARE I, RARE II, forest planning, the Wilderness Act, Collaborative Stewardship, and others were intended to accomplish this same objective.

Relief: The Forest Service must delete the statement that this rule is ensure roadless areas will be managed in perpetuity. Also, the Forest Service must provide evidence that this rule will reduce controversy and result in stability more effectively than any other effort initiated in the past.

97. **Comment:** Page 3-138, Alternatives-- The Draft EIS should consider an "action alternative" that exempts all roadless areas that have been reviewed and analyzed during the normal forest planning process. This will include all national forests that have completed management plans and have addressed the conditions and status of inventoried roadless areas.

Relief: The Forest Service must develop an alternative as described above.

98. **Comment:** General-- A fundamental flaw in this entire process is that the Roadless Areas Review (RARE I and II) the Forest Service is using as the basis for this "Proposed Action" were never intended to evaluate roadless areas. They were intended to evaluate wilderness characteristics for possible additions to the National Wilderness Preservation System. Also, see Chapter 1 Review, Comment Number 8.

Relief: The Forest Service must use the forest planning process to determine the values and needs of roadless areas, rather than, simply extracting a process intended for evaluation of wilderness character.

Real Estate Management

99. **Comment:** Page 3-141-- There is no cumulative effects section for Real Estate Management. The reader is left with no sense of how special use holders, both with and without current "valid existing rights" will be affected over time by the "Proposed Action". The questions that must be addressed are: How will new applications and proposals for electronic sites, municipal water reservoirs, irrigation diversions etc. be handled under the prohibitions? How will existing permits be handled? What effect will these have on local communities that rely on these uses for administration and providing services to the public?

Relief: The Forest Service must develop a Cumulative Effects section for this and address the questions presented.

Minerals and Geology--Locatable, Leasable, Salable, and Abandoned and Inactive Mines

100. **Comment:** These sections are some of the most objectively written in the entire document.

Relief: None

101. **Comment:** General-- Motor vehicle access within the National Forest System is integral to conducting mining and explorative operations. Without roads there is no reasonable practical access and without access there is no way that exploration, development of infrastructures, and transport products to market can take place.

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Relief: The Forest Service must analyze the effects of prohibiting roads on the exploration, development, and transportation of raw mineral materials.

102. **Comment:** Page 3-145, last paragraph-- Under the Cumulative Effects section, a disclosure is made that the "Action Alternatives" may reduce revenues to federal, state, and local governments, but the magnitude is unknown. .

Relief: The Forest Service must analyze this effect in more depth with quantifiable data presented and evaluated. Local communities depend on this information and cannot make a reasonable assessment with quantifiable data.

103. **Comment:** General-- When taken in context, the "Proposed Action" could be considered a "de facto" mineral withdrawal. Such an action would require the Forest Service to follow FLPMA withdrawal procedures. Case law established in the Wyoming District Court concluded the Forest Service and BLM withheld action on applications for oil and gas leases while the lands were being considered for possible inclusion in the wilderness preservation system. The District Court in Mountain States Legal Foundation v. Andrus, 499 F. Supp. 383, determined that this refusal to act on the leases was an illegal "de facto withdrawal" of these lands.

Relief: The Forest Service must address this issue and determine if they are violating case law and creating "defacto withdrawals."

Fire Suppression

104. **Comment:** General-- This section is well written and analyzed. However, there must be discussion on the effects all alternatives will have on fire suppression tactics. For example, will dozers be prohibited? How will burned area rehabilitation be accomplished? Are roads acceptable for fire suppression when public safety and property are not threatened?

Relief: The Forest Service must identify those fire suppression practices that are acceptable.

105. **Comment:** General-- Natural events, such as fire, transcend political and administrative boundaries. Any analysis must consider the effects of fires "boundary-less behavior. The alternatives must be analyzed in context of the direct, indirect and cumulative effects on entire ecosystems and just not on Forest Service administered lands. The wildland urban interface, air quality, and any anticipated impacts to private landowners and private inholdings are all issues that must be disclosed. This section is well written and has a good deal of supporting data and information, but does not adequately disclose predicted effects with the "hard look" that is required by CEQ Regulations.

Relief: The Forest Service must address the effects of the risks identified relating to the wildland urban interface, air quality, and other private and public ownerships.

106. **Comment:** General-- For many decades, wildland fire management and suppression decisions have been made by interagency fire teams that often include local rural fire departments and state fire personnel. The Federal Fire Management Guide (1998) states that "Full collaboration among Federal agencies and between Federal agencies and state, local, and private entities is prerequisite to successful program implementation as costs increase and workforces decrease." This leads the reader to ponder why the analysis completely ignores this

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partnership and interdependency in the fire suppression section. What are the potential effects to other fire suppression organizations of this "Proposed Action"? It only seems reasonable that this spirit of partnership be extended in the preparation of this rule making process. Decisions made in this roadless evaluation affect not only Forest Service Fire Operations, but also the operations of many other agencies and local fire departments. They need to be directly involved.

Relief: The Forest Service must include local and state fire departments in the development of alternatives and analysis of effects.

Social and Economic Factors

Wildland Values

107. **Comment:** Entire Section-- This section is so biased that an adequate evaluation cannot be conducted. Some, and probably many, people value wildlands for values other than roadless and these are not addressed. In fact, the footnote at the bottom of Page 3-161 suggesting that people do not distinguish between wilderness and roadless areas is an understatement. Most people who live in urban areas consider the national forests as "wilderness"--roads, timber harvest areas, resorts, campgrounds, and all. The quotations support only the side that supports preserving roadless areas and does not provide an objective evaluation of all sides to the issue. To infer that the Forest user that enjoys motorized recreation or the senior citizen that is required to have motorized access to enjoy his or her National Forests is not appreciative of wildland values is extremely narrow minded and exclusionary. In addition, the polls referencing that Americans support prohibitions against road construction and timber harvesting are very one sided. Other polls have indicated a much more middle of the road feeling of the American people. What is ironic is that this section reinforces the perception that "everything as we see it today, is the way it always was, and always will be." Natural forces will continue to operate and eventually shatter this image we have of nature. Finally, this section states that it will not discuss "scenic quality" since it is addressed elsewhere. Why then is "water" and "air quality" analyzed even though it is addressed elsewhere? The disparity does not make sense.

Relief: The Forest Service must rewrite or eliminate the biases of the author. It simply is not an objective evaluation of wildland values.

Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

108. **Comment:** Page 3-166, last paragraph-- A significant flaw is displayed in this discussion. It states that "Recreation activities that are associated with more developed portions of the Recreation Opportunity Spectrum (ROS) (e.g., developed camping, driving for pleasure, and visiting nature centers) tend to be more popular in terms of total participants and days of participation. A smaller percent of the population engages in activities that are associated with more remote landscapes, such as backpacking, primitive camping, ..." The question that must be addressed based on these statements is, "Why do we need to preserve 50% of National Forest System Lands in roadless character for a relatively small percent of the population that will use them?"

Relief: The Forest Service must address this question on proportion of users and amount of area needed for roadless recreation.

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109. **Comment:** Page 3-168, third paragraph-- This discussion references that access to private lands for public recreation is expected to decrease in the future. If this is the case, why is the Block Grant Hunting Access Program in Montana and Wyoming a resounding success? Millions of acres of private lands are being opened to public access under these programs.

Relief: The Forest Service must clarify this assumption and address other contributions to increased access in the past few years.

110. **Comment:** Page 3-170, Alternative 1-- There needs to be a section that displays the financial contribution of roaded vs. unroaded recreation to local economies. Studies have shown that roaded recreational users contribute more dollars to local economies than unroaded recreational users. Since this document supports roadless area uses, then local governments must know what the impacts will be to local economies as a result of the "Proposed Action". The conclusion will most likely illustrate that roaded recreation contributed more to local economies than roadless recreation. In addition, Alternatives 2-4 do not address recreation jobs, economic contributions to economies, etc.

Relief: The Forest Service must analyze and disclose financial contributions of both roaded and unroaded types of recreation to local economies.

111. **Comment:** Page 3-170, Alternative 1, second paragraph-- This paragraph states that the "No Action" alternative will "increase opportunities for recreation activities in the more developed ROS (Recreation Opportunity Spectrum) classes at the expense of opportunities in the undeveloped ROS classes." What is the proportionate uses of each of these classes? The land base is proposed to be split 50/50 but what is the proportion of use? An analysis would most likely determine that a very large portion of the land base will be preserved for a very small number of users.

Relief: The Forest Service must clarify this assumption and disclose what is an acceptable distribution of the land area being analyzed.

112. **Comment:** Page 3-171 and Page 172-- The effects analysis must recognize that the inventoried and uninventoried roadless areas currently provide some level of motorized recreation on "unclassified roads." This use must be evaluated in order to adequately disclose effects. Any decision to restrict use on these roads must be based on a complete and thorough inventory of all existing roads and use levels. Without this determination it is impossible to accurately evaluate the impacts of the alternatives.

Relief: The Forest Service must conduct an inventory of these uses on a local basis and disclose the effects the "Proposed Action" will have on local motorized recreation and communities. In addition, to evaluate a full range of alternatives this document must consider action alternatives that allow roaded recreation opportunities in inventoried and uninventoried roadless areas under existing or more restrictive environmental regulations

Hunting and Fishing

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113. **Comment:** Page 3-176, second paragraph-- This paragraph is immaterial to the discussion on hunting and fishing. What do cavity nesting birds and mammals, T&E species, and carnivorous species have to do with hunting and fishing?

Relief: The Forest Service must delete this discussion as it is not germane to the topic. Furthermore, it may lead individuals and groups to an inaccurate conclusion that these are huntable species.

114. **Comment:** Page 3-176, third paragraph-- This paragraph states that roads facilitate illegal poaching of many big game animals and increase the incidence of mortality from road kills. Is this really a problem? How many large animals are killed on low speed forest roads?

Relief: The Forest Service must address the significance of this potential impact. It is an unreferenced assumption.

115. **Comment:** General-- To present a meaningful discussion of effects on hunting and fishing, some quantifiable predictions of increases or decreases in hunting and fishing recreation users days must be provided. Current use figures are presented in the Affected Environment section (page 3-173). To simply conclude that the "Action Alternatives" are going to somehow benefit hunting and fishing is far from a true disclosure of effects. States are charged with regulations associated with hunting and fishing and this should have been considered in a Cumulative Effects section which is missing. The conclusion drawn (Page 3-176, third paragraph) that the "No Action" alternative would result in declines in game populations, decreases in encounter rates for hunters, and then to a reduction in hunting quality is simply mind boggling. Considering the fact that big game populations are at near or record highs over much of the West, a reasonable person would seriously question this conclusion. Where is the data or research to support such a broad sweeping conclusion?

Relief: The Forest Service must address these assumptions in an objective manner. Conclusions and assumptions such as these can result in modifications of hunter use and further economic impacts to communities. Harvest figures from National Forest System Lands for both hunting and fishing are lacking. These figures are published annually by State Fish and Wildlife Departments and would be very easy to compile and extremely helpful to the reader.

116. **Comment:** General-- What are the differences in such variables as harvest levels, hunting and fishing days, and harvest per hunter or fishing day between roaded and unroaded areas? This data is available and can normally be easily separated. At least a sample from the National Forest System should have been disclosed. That way some basis for conclusions and predictions of effects could be made.

Relief: The Forest Service must provide this information in order for local governments and communities to adequately assess impacts.

117. **Comment:** Page 3-173, second paragraph-- The revenues generated from hunting and fishing were disclosed in the Affected Environment section with no follow up analysis in the

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effects section. Hunting and fishing generated revenues are extremely important to many rural communities across this country. The analysis must address the financial contributions of roaded and unroaded hunting and fishing to local communities. How much does unroaded vs. roaded hunting and fishing contribute to local economies?

Relief: The Forest Service must evaluate and disclose all effects that may impact hunter and or fishing days. A determination must then be made to disclose the cumulative effects on local economies.

Livestock Grazing

118. **Comment:** Page 3-178, Alternatives-- This discussion needs to address the potential effects on the construction and maintenance of range improvements, such as stock water developments, fences, salting, vacant grazing allotments, etc. Furthermore, this section does not address the impacts of motorized use for managing livestock distribution. The decommissioning and obliteration of existing low impact roads will further limit current access for management of allotments.

Relief: The Forest Service must address and disclose the effects of the alternatives on these activities.

119. **Comment:** Page 3-178, Alternatives-- Allotment management plans for each grazing allotment are approved using the NEPA process. In some cases decisions have been made that conflict with the proposed rule. For example, the allotment management plan might approve the use of an existing unclassified road. The Notice of Intent for this rule recognizes that these roads currently exist and are being used. Failure to effectively maintain and monitor these roads is a violation of the spirit and intent of NEPA and the terms of Forest Service issued grazing permits.

Relief: The Forest Service must address and disclose the future disposition and use of these roads. Any decisions regarding these unclassified roads must disclose the environmental and economic effects. Potential impacts include increased costs of managing and administering grazing allotments.

Non-Timber Forest Products

120. **Comment:** General-- It is difficult to discern effects when there is no discussion on the amount of demand for these non-timber forest products. The fact that demand exists is not enough information to conduct an assessment of effects.

Relief: The Forest Service must analyze and disclose the demand for these products, contributions to local economies, and effects of the prohibition alternatives.

121. **Comment:** General-- Traditionally, ranchers and other rural residents have depended on the timber harvest program to access post and pole and firewood material for personal and commercial use. They are normally purchased for a small fee that includes a permit. Over time,

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most of the accessible areas have been utilized. The proposed prohibitions will impact rural residents directly by curtailing the opportunity for future purchase of permits for firewood and post and poles in roadless areas. This proposed rule if implemented would result in increased operating costs accessing non-timber forest products (Page A-21). Roads are essential for the harvest of non-timber forest products.

Relief: The Forest Service must evaluate and disclose the effects the "Proposed Action" will have on rural communities who depend on these miscellaneous forest products for income (sales), domestic use (heating) and business use (fences).

Timber Harvest

122. **Comment:** General-- In the Recreation, Wilderness, and Ecosystem sections it advocates the use of roadless areas for reserves. Why aren't roadless areas considered reserves for future timber production? If this concept is considered for other resource areas it should be considered for timber resources.

Relief: The Forest Service must conduct the analysis equally across all resource uses. An alternative considering roadless areas as timber reserves is as appropriate as other areas advocating this concept.

123. **Comment:** Page 3-190, last paragraph-- The Forest Service states that the national prohibitions would reduce uncertainty in communities with regard to timber supply. But, on the other hand, this document cites numerous times how little this proposal will effect timber supply--by only 1.1 billion board feet over 5 years. Either it's significant or it isn't.

Relief: The Forest Service must address the significance of timber offer reductions to local communities, including, the cumulative effects of other national initiatives, such as the Draft Strategy, ecosystem management, etc.

124. **Comment:** General-- The proposed prohibitions will eliminate roaded access in roadless areas and essentially preclude timber harvest in roadless areas within the National Forest System. The Forest Service will also be precluded from making any future land allocation decision during local Forest Planning that might allow road construction, reconstruction or timber harvest in inventoried roadless areas. This proposal has the potential to severely impact the timber industry and is in conflict with many of the laws and authorities for which the National Forests were originally created such as the 1897 Organic Act, the Multiple Use-Sustained Yield Act of 1960, and the National Forest Management Act of 1976. The environmental effects section of the document (Table 3-42, page 3-186), estimates that implementation of the "Proposed Action" would result in an annual reduction of timber volume offered for sale of 120.5 million board feet, a loss of 740 direct jobs and 1,381 total jobs, a reduction in direct income of $32,859,000 and total income of $58,364,000, and a reduction of payment to states of $3,766,000 annually. There is no discussion of effects for Alternative 1--it is merely a discussion of how effects will be assessed.

Relief: The Forest Service must verify these figures with local governments and determine the cumulative effects of the prohibition alternatives. In addition, the Forest Service must address the appearance of conflicts between this rule and the many laws governing national forest management.

125. **Comment:** General-- A very important element missing from the analysis is a discussion of the lands suitable for timber harvest that will be affected by the "Proposed Action". Although "capability" is discussed (20 cubic feet per acre), "suitability" is not discussed. Each Forest Plan in the nation bases its ASQ on the amount of suitable lands available for timber harvest. Determining suitability involves many factors including capability, access, spatial distribution, timber growth, logging feasibility, potential conflicts with other resources, etc.

Relief: The Forest Service must analyze the impacts of removing acres from the suitable timber base due to lack of road access. The result can significantly affect timber management programs and options on individual forests by concentrating harvest on areas that have been previously roaded and logged. This must be discussed and fully disclosed.

Energy and Non-Energy Minerals

126. **Comment:** General-- The discussion of impacts does not address jobs, income, and revenues to local communities. One cannot make a reasonable assessment of impacts without this information. Furthermore, this section does not address cumulative effects as required by CEQ Regulations.

Relief: The Forest Service must analyze and disclose the direct and indirect effects of the "Proposed Action" on jobs, income, and revenues to local communities.

127. **Comment:** General-- The proposed prohibitions have the potential to adversely impact energy and non-energy exploration and production. Roads are necessary for drilling machinery, heavy equipment, and pipelines for transportation of products. Without the option of road construction and reconstruction, energy and minerals exploration and production will be severely curtailed within roadless areas. If the proposed rule is implemented the Forest Service will be precluded from granting the necessary special use permits required for road access. Exploration and development costs will be increased for all types of mineral development, but particularly for leasable minerals as disclosed on Page 3-194. In addition, it is unclear if lessees with current existing valid rights in roadless areas would be precluded from exercising road building options.

Relief: The Forest Service must address the issues presented and clarify the disposition of existing valid rights. Also, a determination needs to be made on the effects of the "Proposed Action" on the contribution of energy resources to local communities.

Road Construction

128. **Comment:** General-- Any decision to eliminate road construction and reconstruction in all roadless areas nationally though one rule making procedure could have profound effects on local communities and local residents. The effects on state and local jurisdictions for noxious weed control, water rights, fish and game management, mineral leases, domestic grazing, recreational

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special uses, county predator control boards, and many others, are simply not disclosed. There is much discussion throughout the document on "valid existing rights" but no disclosure on what actually constitutes a "valid existing right".

Relief: The Forest Service must disclose the effects and impacts on local communities and their jurisdictions as a result of prohibiting road construction.

129. Comments: General-- Any decision to eliminate road construction and reconstruction in roadless areas is, in fact, a land allocation decision because it precludes future options that require the use of new roads within the area. As such, this process must follow the planning rules as defined in the National Forest Management Act (NFMA).

Relief: The Forest Service must withdraw this proposed rule and delegate the disposition of roadless areas to local officials in the forest land and resource management planning process as defined by NFMA.

Agency Costs

130. **Comment:** General-- Many references are made that this decision will not increase agency costs for implementation. For example, Table S-1 and Table 2-2 state "...no additional planning costs will be incurred...." However, the statement on Page 3-12 says, "The cost of prescribed fire will also increase, due to greater complexity of resource issues and agency planning requirements." Also, the rule itself (Page A-20) identifies an increase of 11 million dollars in planning costs over the next 5-15 years. This appears to be a broad range of costs.

Relief: The Forest Service appears to have significantly underestimated the costs of implementing this rule. The agency must address increased costs of managing resources in an unroaded setting, e.g., timber harvest, fuel reduction, fire suppression, recreation, special uses, insects and disease, etc. and impacts to local communities, e.g., fire suppression, flow of commodity products, jobs, income, etc.

131. **Comment:** Page 3-200, third and fifth paragraphs-- Two very contradictory statements are made on this page. First, the third paragraph, third sentence states "The costs of fire suppression are not likely to increase" and the last sentence states "...could result in higher suppression costs..." And finally, the statement is made in the fifth paragraph that, "The benefiting user would build most of the roads prohibited by Alternatives 2-4." How can you build roads that are prohibited?

Relief: The Forest Service must clarify these statements.

132. **Comment:** General-- The Forest Service failed to assess the cost of litigating this proposal. It is inevitable that litigation will occur if the Forest Service issues a Record of Decision selecting the "Proposed Action".

Relief: The Forest Service must include the cost of litigating this "Proposed Action" as a cost to the agency.

133. **Comment:** General-- The estimates in early spring of this year were that this proposed rule making was to cost between $7,000,000 and $10,000,000. The funding for this process has been passed on to local National Forests. Forests were required to return funds allocated by Congress for local resource management and planning. This has had a direct impact on local national forests ability to provide goods and services for FY2000.

Relief: The Forest Service must completely disclose the actual costs of this rule making process and an accounting of how unappropriated funding was found to pay for it. Also, the Forest Service must disclose the effects of what resource and planning activities were not accomplished in Fiscal Year 2000 as a result of the Roadless Area Conservation effort.

Civil Rights and Environmental Justice

134. **Comment:** General-- This section adds little to the concerns express by many on the effects of the "Proposed Action" to persons with disabilities. Although this issue is mentioned in the Affected Environment, no disclosure is provided on the effects by alternative made. Laws such as the Rehabilitation Act, as amended, and the American's with Disabilities Act must be addressed and evaluated. Also, reference is made to Native American, hispanic, and asian american cultural sites. These sites are not identified nor is information provided to adequately assess impacts. For example, "How many of these sites exist? Where are they located? What is the level of use?

Relief: The Forest Service must address the effects on persons with disabilities in the Affected Environment section (Page 3-206, first paragraph) and disclose the effects of the alternatives as required by CEQ Regulation 1502.16. In addition, the questions presented about cultural sites must be answered.

Local Involvement

135. **Comment:** General-- This section does not address local involvement, but is another recitation of why the Forest Service should decide on the "Proposed Action". It simply defends what has been done and provides more rational for implementing the "Proposed Action". For example, the statement on Page 3-200, first paragraph, states that "In reaching its final decision, the Forest Service hopes to reduce the amount of conflict that pervades the local involvement process, and to shift the local discussion about inventoried roadless areas to focus on managing them in a manner prescribed by the final decision." History has shown that this will most likely not happen. Many efforts have been attempted to resolve the wilderness debate and it still rages. Others efforts have been made to resolve timber harvest issues and they still rage. Unfortunately, the overall mission of the Forest Service is leaning towards preservation and farther away from multiple use. The Forest Service appears to be using this issue on conflict and controversy to further the preservation of more lands in our national forests. Too much of the discussion in this document fits the philosophies and arguments of preservation oriented special interests.

Relief: The Forest Service must refocus its priorities to meet the intent of numerous laws governing the management of national forests and emphasize the importance of developing

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partnerships with local governments and communities.

136. **Comment:** Page 3-209, last paragraph-- The last paragraph under Local Involvement projects a short-term undermining of communities' trust in the local involvement process and this trust could be regained over the longer-term. The trends of management direction in the agency towards preservation has eroded trust over the last decade. Other agencies are making similar decisions, e.g., Yellowstone Winter Use, Bison, FWS, etc., along the same philosophical line. As a result of these actions, trust is being eroded rapidly towards the entire Federal government. Since when does a Federal agency have the authority to empower itself to determine what level of conflict and controversy is acceptable in our local communities? If the Forest Service decides on the proposed prohibitions, it will surely result in litigation and leave a lasting legacy of mistrust and suspicion.

Relief: The Forest Service must withdraw this proposed rule and entrust local officials, local government, and communities to conduct the analysis through the forest plan revision process.

137. **Comment:** Distribution List-- The process for preparing, distributing, and reviewing this document has violated basic CEQ Regulations governing the NEPA process. For example, the Forest Service failed to send this Draft EIS to counties where the action is proposed and will have significant effects (see Page 4-9). Instead, the Forest Service sent copies to libraries. Why does the Forest Service continue to fail to recognize that counties are the basic level of government that represent the people? Consultation, input, and special recognition are integral in the NEPA process. The Unfunded Mandates Reform Act of 1995 states, "Each agency shall, to the extent permitted by law, develop an effective process to permit elected officials of State, local, and tribal governments ... to provide meaningful and timely input in the development of regulatory proposals containing significant intergovernmental mandates."

Relief: The Forest Service must withdraw this proposed rule and entrust local officials, local government, and communities to conduct the analysis through the forest plan revision process. In addition, they must recognize local governments as integral participants in the decision-making process and invite them as true partners.

Forest Dependent Communities

138. **Comment:** General-- This section is peppered with many across the board assumptions. The only way to adequately address the effects on forest dependent communities is through local planning. Otherwise, the result will be so broad, as displayed in this document, that local effects cannot be adequately addressed. Wilderness recommendations to Congress are made through local forest planning processes. Wilderness decisions are made at a higher level of government. However, local planning is the vehicle for the recommendations to Congress. Why should this process for roadless areas be any different?

Relief: The Forest Service must address this roadless area issue at the local level through forest plan revisions.

139. **Comment:** Page 3-210, 4th paragraph-- This section discusses the even flow of timber sale volume. This has become an issue because the Forest Service has imposed upon local communities lower levels of timber offer using initiatives and mandates that have not been disclosed through the NEPA process. By essentially shutting down the volume of offer in some communities, it has forced local mills to reach out further to sustain the volume necessary to remain in business.

Relief: The Forest Service must address all reasons for the decline in timber offer.

140. **Comment:** Page 3-210, last paragraph-- This paragraph discusses community resiliency as an indicator of a community's health and vitality. Many communities are reaching out to attract a diversity of businesses and diversify their economy. However, the fallacy of the argument presented is that processing timber from a raw material to a final product requires significant capital investments. Communities cannot attract these types of industries without some confidence that the flow of raw materials will be relatively stable.

Relief: The Forest Service must acknowledge that timber flow is an important element of community resiliency and Forest Service decisions have a significant effect.

141. **Comment:** Page 3-211, third paragraph-- This paragraph states that tourism and recreation and other uses of National Forest System Lands can provide considerable sources of jobs, income, etc. The presence of desirable environmental amenities can contribute to an area's population and economic growth. This is true only to a minor extent. Areas like Jackson, WY, Vail, CO, Aspen, CO, Kalispell, MT, etc. have realized these benefits--and not without significant problems (low cost housing, availability of rental housing, low paying jobs in relation to the local economy). Most communities across the West do not contain the strong amenities of a ski area, high elevation, being located inside a national forest, etc. Look at the location of ranger stations across the country--towns like Stanford, MT, Douglas, WY, and Ely, NV. Their locations in relation to the distance to the national forests does not provide the same opportunities as those mentioned above. This paragraph assumes all communities are located within or adjacent to National Forest System Lands. The analysis in this document needs to address the fact that all communities are NOT created equal and impacts will vary. For example, communities with a large ski area and lumber mill are more resilient than communities with only a lumber mill. The Draft EIS does not account for these differences nor addresses impacts at the local level. (This same argument applies to the section on Page 3-216, Economic Diversity).

Relief: The Forest Service must address the issue that not all communities are created equal and are able to develop an economy based on tourism and recreation. Some communities are timber, some agriculture, and others recreation based. Not all can depend on desirable environmental amenities to compensate for dependency on commodity uses of the national forests.

142. **Comment:** Table 3-54 on Pages 3-212 through 3-214 and Table 3-55 on Pages 3-218 through 3-220-- These tables display those communities that may be affected by prohibitions on road construction and timber harvest. What these tables fail to address is, "How many of these communities have economies based on timber that are on the edge of losing that industry?" In other words, for how many communities will this proposal be the "last nail in the coffin" and result in a loss to their economy? This section must address the cumulative effects of numerous

16089

Forest Service actions that have adversely effected local economies, e.g., reduced ASQ's, Forest Service Agenda, ecosystem management, etc. The Forest Service will only be able to find these answers by consulting with local governments.

Relief: The Forest Service must objectively answer the questions presented and analyze the cumulative effects of other actions, e.g., reduced ASQ's, Forest Service Agenda, ecosystem management, etc.

143. **Comment:** General-- This section goes to great length in defining community factors such as typology, resiliency, and timber dependency among others. What, if any of this information was derived from the communities themselves? Were they even consulted? Most states have community assessment programs that often have current data that was locally obtained. The State University Systems and State Rural Development Agencies also maintain social and economic statistics that have been locally derived. Finally, there is absolutely no discussion of Alternative 1.

Relief: The Forest Service must consult with local governments and acquire data for those communities affected by the "Proposed Action". A discussion of the effects of Alternative 1 must be included.

Effects of the Procedural Alternatives

144. **Comment:** Page 3-223, last paragraph-- This statement admits that the effects of these procedural alternatives are not measurable because it is not known what projects would be proposed or evaluated, what decisions would be made, what land allocation managers would select, and what mitigation measures would be employed. However, these questions can be answered at the local level and again lends support that the analysis and subsequent decisions should be made at the local level.

Relief: The Forest Service must withdraw this proposal and delegate the decision to local officials for consideration in the forest plan revision process. It is incumbent upon the Forest Service to answer these questions in order to make a reasonable decision with full disclosure of the impacts as required by NEPA before attempting to decide on the "Proposed Action".

Short-Term Uses and Long-Term Productivity

145. **Comment:** General-- The Forest Service needs quantitative evidence in this section that proves roads and timber harvest have created significant losses to productivity. A review of timber sale EIS's shows that there are short-term impacts. However, long-term productivity is maintained and even enhanced for many resources and overall forest health.

Relief: The Forest Service must provide quantitative evidence to support the assertions stated.

Mitigation Options

146. **Comment:** General-- Using any form of Rural Development funding to mitigate impacts of

16089

the "Proposed Action" would create an inequitable balance among communities. For example, many of these dollars are allocated to communities for proactive rural development projects. Now the Forest Service comes along, makes an unpopular decision that will affect communities, and proposes to take funding from proactive communities to mitigate impacts. This is nothing more than "Stealing from Peter to pay Paul." There is no new money to offset the disclosed and undisclosed impacts from the "Proposed Action". Therefore, communities that are currently using this funding to diversify their economy, attract new businesses, or strengthen their resiliency will find themselves stripped of resources while attempting to be proactive. This is because the Forest Service will want to use this funding to react to a decision that appears to be very predecisional.

Relief: The Forest Service must consider other mitigation measures, rather than, siphoning funding from other programs to mitigate the "Proposed Action". If the Forest Service chooses to mitigate this rule with other funds, as described, then a whole new set of impacts must be analyzed--that of determining the effects of taking funding away from proactive communities and redistributing it to communities impacted as a result of this rule.

CHAPTER 4--CONSULTATION AND COORDINATION

COMMENTS ON CHAPTER 4

Consultation and Coordination

1. **Comment:** General-- The Forest Service has failed in this effort to consult and cooperate with local governments, e.g., counties, municipalities, conservation districts, rural fire departments, etc.

Relief: The only option open is for the Forest Service to withdraw this proposal and start over. They must insure that legal and appropriate consultation and coordination with local governments takes place.

Lincoln County
Economic Development Council, Inc.
P.O. Box 621 • 905 West 9th • Libby, Montana 59923 • (406) 293-8406 • (406) 293-3222 Fax

43725

July 13, 2000

C I I 5

USFS Chief Dombeck
USDA Forest Service – CAET
Attention: Roadless Areas
NOI P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 17 2000

Dear Chief Dombeck:

Because of the roadless moratorium that is currently in effect, the proposed Treasure Mountain Ski Area project in Libby has come to a standstill. The draft EIS for this project, which is currently being funded by a $275,000 grant from the Federal Economic Development Administration (EDA), has been completed. It is ready for publication and distribution for comment. The EDA has seen merit in this project and views it as a viable option for economic diversification in our area.

However, at the direction of the EDA, the Draft EIS will not be circulated for comment, nor will the project continue, until a decision regarding the roadless areas is made. The remaining grant dollars – taxpayer dollars – will not be spent on an economic development project that may not be allowed to be implemented.

The US Forest Service plays a huge role in our area's economy. It controls the use of the majority of land in Lincoln County. This roadless initiative will negatively impact our economy here. It will tie up land for potential timber sales. Treasure Mountain is an example of how recreational use will be compromised if the initiative is implemented. This roadless plan will hurt Lincoln County in a number of ways. We request that the US Forest Service examine more closely the negative economic impact that this roadless plan will have on our local economy and provide some form of mitigation for its detrimental effects.

The proposed Treasure Mountain Ski Area is a way to strengthen our area's economy. It may not be a panacea for our economic woes, but it would provide employment in the form of approximately 50 jobs and would also serve as a potential catalyst to help turn our economy around. Treasure Mountain Ski Area is important for the Libby area and the northwestern corner of this state.

We respectfully request that if this roadless plan is ultimately implemented, that the Treasure Mountain Ski Area project be exempted from this plan. We have had indications of support for this exemption expressed by our congressional delegation, our governor, and our local county and city officials (some of these letters of support are attached). This economic diversification project needs to be allowed to be brought to completion.

Please forward this request to Agriculture Secretary Dan Glickman.

Thank you for your consideration.

Sincerely,

Carolyn J. Stamy
Treasure Mountain Project Coordinator

K I 3 5

26056

"Michael Kennedy" <mkennedy@co.missoula.mt.us>
07/13/00 11:15 AM

To: <roadlessdeis@fs.fed.us>
cc:
Subject:

As a six-year member of the Eastside Ecosystem Coalition of Counties (EECC), I have had the opportunity to learn much about the condition of public lands. Without placing blame, one can conclude that past policies and practices on public lands have resulted in conditions which include catastrophic fire, disease, loss of wildlife habitat, severe erosion, weed infestations, severe reduction of genetic resiliency in floral and faunal species, extinction of certain floral and faunal species, and importantly, losses to resource-dependent communities. Sustainability under those conditions is simply not possible.

After years of scientific research, we have begun to understand the complexities of the public landscape and have taken some actions which will work to reduce the effects of bad policy and practice on public lands. As is the case with any policy change, the effort to adopt a new road and roadless policy has its critics. However, it should be noted that the proposal is not whimsical or political but an honest approach to dealing with severe problems which cannot go unchecked.

Assertions about the lockup of public lands can only have been made by those who have not been to those places. As a first-hand witness of many of those areas, I can state that the reason they have remained roadless is because of their lack of economical development for merchantable timber. Too little timber in too difficult terrain simply does not "pencil out". The proposed roadless alternative will not likely have any practical effect on timber harvest, but will add substantially to the sustainability potential of public lands.

I urge in the strongest possible terms to support the roadless initiative. It's best for the West and for all of America.

Michael Kennedy, Commissioner
Missoula County, Montana

17271

BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY
PO Box 270
Broadus, Montana 59317

Kyle Butts, Volborg
Don McDowell, Broadus
Ray Traub, Broadus

Fax: 406-436-2151
Phone: 406-436-2657

July 11, 2000

K 3 1 5

RECEIVED
JUL 17 2000

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

Dear Forest Service:

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

The Draft EIS contains significant flaws pertaining to CEQ Regulations 40 CFR 1500-1508 that govern the NEPA process; misleading statements between the Summary and Volume 1; inconsistencies in information, data, and the level of analysis; discrepancies in and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions; inadequate analysis and disclosure of effects; poorly developed alternatives that do not represent a full range; biases and value judgements on behalf of the author(s); and prejudicial actions on your behalf. Based on our review, the Forest Service has only two courses of action. We request that you:

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

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

17271

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

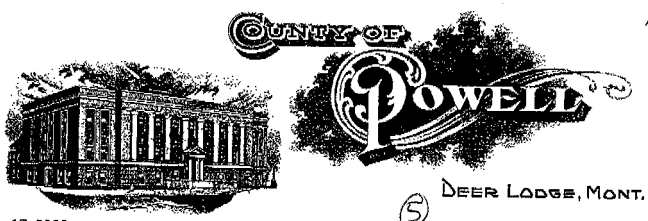
BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY

Kyle Butts, Chairman

Donald R. McDowell, Member

absent
Ray Traub, Member

19307



July 17, 2000

K 3 2 (5)

USDA Forest Service-CAET
ATTN: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City UT 84122

TO: Roadless Area Planning Team

Your draft EIS and supporting documents are the most readable materials recently produced by your agency. However, their readability cannot make up for their lack of common sense, flawed logic, fuzzy analysis, and blatantly biased content.

We, the Powell County (MT) Commissioners are opposed to this top down approach to decision making. National decisions for local problems has a long track record of failure. Your insistence on adding one more example to that list of failures doesn't make sense to us.

We have an interest in bringing closure to the roadless issue. However, the adversarial process you have adopted will only serve to perpetuate the issue in this or some other form. We feel there is a lot of common ground on this issue. Why you have chosen not to pursue that common ground baffles us. We know there is a reason but we don't have a clue as to what that reason is. Therefore we can only be suspicious of what it might be.

Following are a set of specific comments. These comments are based on our definitions of a worse case scenario. Our experience justifies that position because our interests have been trampled on by most recent Forest Service decisions.

- We read the Purpose and Need section and it appears that the purpose was developed and then the need(s) were manufactured. Since the needs you have listed are unconvincing we suggest you review your manufacturing process. All three of the listed needs can be addressed within the programming process of the agency. The several million dollar cost of this EIS process could better be spent on road management.

- We believe there are many areas that should remain unroaded. We also believe some areas should be roaded. Our fear is that you will choose Prohibition Alternatives 4 and all areas will be locked up. Obviously trust is again at issue!

- We do not believe that this process will resolve the roadless issue. The form of the issue may change but the issue will not go away. There will be a "right time" to resolve the issue - this is not the right time.

- Your analysis suggests that over the next 20 years 5-10% of the roadless resource will be lost. We maintain that that amount is not significant and it probably contains the areas that have a higher value for developed uses.

19307

- We realize that identifying environmental consequences for an EIS of this scope is difficult. At the same time we feel it is impossible for a decision maker to use Chapter 3 as a basis for a reasoned decision.

  Chapter 3 presents environmental consequences of each alternative with qualifiers such as:

- Would likely	- It is anticipated
- Most	- May be allowed
- Plan to	- Highest likelihood
- Most restrictive	- Can effect
- Has the potential	- Would decrease
-Highest potential	- Further reduces
- Least risk	- Likelihood of change
- Best opportunity	- Could further reduce
- Potential benefits	

  Since a decision maker does not understand the probability or magnitude associated with any of these statements, that person has little choice but to rely on their own value system. To saddle the public with the consequences of one persons values seems stupid, if not downright undemocratic.

- One final specific comments. You have chosen to use the RARE II inventory as a base but have added other "unroaded" areas in the Procedural Alternatives. These other areas are unknown at this time. This seems odd. If it is to be kept in, you should also consider dropping areas whose shape and position are such that you cannot reasonably conserve their roadless characteristics. After all, if you chose to use criteria on what some folks call "manageability" , apply that criteria across the board.

In closing, we reiterate of the position that:

- The NEED for this EIS has not been adequately established;
- The consequences listed in Chapter 3 are inadequate for a decision other than a decision based on personal values;
- This is not the right time for this decision and the top down process will further intensify the issue in one form or another.

We appreciate this opportunity to share our comments. Please keep in mind that the credibility and trust of a once proud and respected federal agency are at stake.

Sincerely,

Powell County Commissioners

Kay Beck, chair — Gail Jones, member — Tom Hatch, member

13559

COUNTY OF RAVALLI

STATE OF MONTANA

The Bitterroot Valley

Hamilton, Montana 59840

CAET RECEIVED
JUL 03 2000

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

Dear Forest Service,

The County Commissioners of Ravalli County have conducted a review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We have uncovered many disturbing findings and we believe there needs to be significant changes to the document. We believe this document is being rushed without the proper evaluations and Ravalli County will be negatively impacted by decisions not made on a local level.

The Draft EIS contains significant flaws pertaining to the regulations that govern the NEPA process; inconsistencies in information, data, and the level of analysis; discrepancies and unsupported statements, assumptions, and conclusions; contradictions in assumptions and conclusions, and inadequate analysis and disclosure of effects. We also believe there has been biases and value judgements on behalf of the authors and prejudicial actions on your behalf. In particular we take exception to paragraph 3 of page 3-190 which states:

> *even reasonably prosperous timber-dependent communities are among the least prosperous rural communities, having high seasonal unemployment, high rates of population turnover, high divorce rates, and poor housing, social services, and community infrastructures.*

This statement shows a bias against not only the professional timber workers, but also against those college students and teachers who use summer work in the forests to pay for schooling and to supplement there normal income. To categorize all residents of communities who choose to make there livelihood from working in the forests, no matter how many hours or days so spent, is to show extreme prejudice against that segment of society. This is but one of the many problems we see associated with this document.

We ask that you immediately withdraw the Proposed Rule and Draft EIS and delegate the decision for the disposition of roadless areas to local officials (Forest Supervisors) of your organization using the Forest Plan Revision or Amendment process.

If you choose to not withdraw the Proposed Rule we ask that you extend the comment period for another 180 days to allow all citizens the opportunity to fully review and assess the impact upon our local communities.

Thank you for the opportunity to comment and we look forward to working with the Forest Service on this issue in the future.

Sincerely,

Ravalli County Commissioners

Jack Atthowe

Alan Thompson

"Smut Warren"

13559

*01/02/1994 05:10 4057413492 HOT SPRINGS LIB PAGE 01

43975

R I I S

Comments: Roadless Plan

I am a County Commissioner in Sanders County, Montana. Sanders County is one of the major timber counties in Montana and includes parts of the Lolo and Kootenai Forests, plus part of the Cabinet Wilderness Area.

In an informational vote in the June Primary, 81% of the voters in Sanders County opposed the Clinton-Gore Roadless Plan. Yes, we all know there are large areas that should not be roaded, but we also know these lands need to be managed better than wilderness.

The voters are unhappy with how the environmental organizations hold up and stop regular and salvage sales misusing the Endangered Species Act. Gated roads are an irritation to many hunters, berry pickers and sight-seers. The snowmobilers are a large group that feel they will be locked out. Those organizations that advocate no logging on Forest Service land upset those working in the timber industry no end. Finally, they do not trust the leadership in Washington D.C.

Two examples of local frustration:

1. Labor Day weekend 1998, the Boyer Creek Fire burned close to 8000 acres of forest lands. Those lands belonging to the Confederated Tribes on the Flathead Reservation were salvaged by mid-1999. The State salvage finished last winter. The Forest Service salvage sale has been appealed for the second time, while any salvage value of the timber is rotting away.

2. The terrible fire of 1910 burned off large areas of Western Sanders County. A local contract forester inventoried over 2000 acres and found over 90% of the trees were infected by root rot and have had very little growth in the past 20 years. This area is at risk for major fire and insect kill. The steeper areas could only be helicopter logged.

In closing, we need local management and multiple use. The more radical environmental organizations don't have a clue to good management practices.

Sincerely,

J. Gail Patton
County Commissioner+

CAET RECEIVED
JAN 17 2000

11141

139

My name is Elaine Allestad.

I am here -- I'm a Sweet Grass County Commissioner, and I'm here to present the results of a ballot poll that was run during our primary election in our county.

I also have the results of four other counties in Montana that were -- that would be directly affected by this initiative. And each county was strongly opposed to the roadless concept.

I also wanted to mention, not being a county commissioner, the gentleman that mentioned seeing a lynx.

About three months ago, I was driving home on a county road. We live northeast of Big Timber. And I saw a lynx go across the county road onto our ranch, which is a four-generation ranch. And I was probably just as awed as that gentleman.

I see that he left, but his friends are here, and I'd appreciate it if they'd pass that on to him.

Thank you for the opportunity to present this.

*

MS. LERUM: Speakers 86 and 87 are Betsy Gaines and then Clinton Cain.

Betsy Gaines
P.O. Box 1263
Bozeman, Montana 59771

I-1-6 11,142

YORK STENOGRAPHIC SERVICES, INC. (717) 854-0077

43568

K 1 5 5

Roadless Area Conservation Proposed Rule
Public Comment Forum

Date: 6/20/00
Comments: My name is Elaine K. Allestad, I am a Sweet Grass County Commissioner. I am here to present the results of Ballot Poll done during the primary election in our county. It was run in at least 4 counties in Montana that would be directly effected by this initiative. Every county was strongly opposed to the roadless concept.

Thank you for the opportunity to present this.

Yours -

CAET RECEIVED
JUN 22 2000

Name: Elaine K. Allestad
Address: HC88 Box 3756
Big Timber, Mt. 59011

**Please send comments to: USDA Forest Service- CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
Fax: (877) 703-2494
Email: roadlessdeis@fs.fed.us

****Comments must be received by July 17th, 2000.**

06/15/00 09:37 ☎4064425238 MT ASSO. OF CO. →→→ SWEET GRASS CO. ☑001

43568

SOME MONTANA COUNTIES
LEVY, BOND AND BALLOT ISSUES
Primary Election 2000
(Top vote indicated by *)

COUNTY and SUBJECT OF VOTE	FOR	AGAINST
BEAVERHEAD COUNTY		
Weed Control	1,447 *	847
Board of Health Funding	208	1,081 *
BIG HORN COUNTY		
Library 5 mills	951 *	437
BROADWATER COUNTY		
Jail Bond Issue	263	615 *
FERGUS COUNTY		
Courthouse elevator /improvements	1,563 *	837
FLATHEAD COUNTY		
Support Federal Roadless Policy	3,109	12,233 *
JEFFERSON COUNTY		
Weed Control 2 mills	1,728 *	1,264
Recreation District–Whitehall	147	160 *
LEWIS AND CLARK COUNTY		
Public Safety	8,750 *	8,074
LINCOLN COUNTY		
Support Federal Roadless Policy	392	1,285 *
Senior Citizens Services	2,076 *	1,586
Troy Area Dispatch District	441 *	241
MADISON COUNTY		
Nursing Homes 12 Mills	1,447 *	571
Hospital Districts, 3 mills each		
Madison	692 *	215
Ruby Valley	765 *	282
Weed Control	1,405 *	609
Rural Fire District, 4 mills, 10 yrs.	294 *	127
MEAGHER COUNTY		
Weed Control	369 *	186

43568

COUNTY and SUBJECT OF VOTE	FOR	AGAINST
MINERAL COUNTY		
Hospital District	617 *	363
MISSOULA COUNTY		
Museum	9,770	10,432 *
Parks Maintenance	11,230 *	8,979
Weed Control	10,797 *	9,392
MUSSELSHELL COUNTY		
Hospital	903 *	609
Rural Fire District	509 *	268
Sheriff	744	752
	(re-count	to be held)
PARK COUNTY		
Sheriff Office, 2 bonds	no tally available	both defeated
PHILLIPS COUNTY		
Law Enforcement	694 *	488
RAVALLI COUNTY		
Form a Park District	2,701 *	2,201
Swimming Facility	2,587 *	2,258
Submit Growth Plan to Voters	7,083 *	1,895
ROOSEVELT COUNTY		
Roads	no	all
Bridges	tally	three
Hospital	available	defeated
SANDERS COUNTY		
Senior Citizens	1,457 *	927
Public Safety	1,089	1,277 *
County Fair	774	1,599 *
Support Federal Roadless Policy	433	1,879 *
SWEET GRASS COUNTY	170	887 *
Support Federal Roadless Policy	776 *	323
Weed Control		

10102

Montana Coalition of Forest Counties

Officers & Board of Directors

Dale W. Williams, Flathead County, Chairman
Alan Thompson, Ravalli County, Vice-Chair
Donna Sevalstad, Beaverhead County, Secretary-Treasurer
Hank Laws, Sanders County — *Judy Stang, Mineral County*
Don McDowell, Powder River County — *Rita Windom, Lincoln County*

D I I 6F (5)

July 11, 2000

RECEIVED
JUL 13 2000

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

Dear Forest Service:

The Montana Coalition of Forest Counties represents 21 counties and nearly 300,000 Montana residents. The Board of Directors on behalf of this constituency wishes to make our comments (attached) known to the Forest Service on the Draft EIS on the Roadless Initiative Proposal.

From its inception on October 13, 1999 until very recently, detailed information concerning this Initiative has been nearly impossible to obtain on a timely basis. Forest Services websites referred to us were inoperative, local USFS offices had virtually no information to share, and public hearings limited discussion on this topic consisting of over 700 pages to three minutes, and yet we were expected to submit detailed comments.

Three of our member counties, Flathead, Lincoln, and Sanders, placed this proposal on their recent respective primary ballots and simply asked the people do you or do you not support this Initiative. An overwhelming margin, 81%, or over 17,000 out of 21,000 ballots cast, said NO!

We are requesting an extension of the comment period for review of the Draft EIS for another 180 days. The document cites over 350 references that local governments cannot possibly acquire and review within the 60-day comment period.

Sincerely,

Dale W. Williams, Chairman
Montana Coalition of Forest Counties

DWW:ecn

Enc: As stated

Submitted by Shawn Regnerus 9074

CITY OF BOZEMAN
Bozeman, Montana
Office of the City Commission

June 19, 2000

H 4 1 5

CAET RECEIVED
JUN 29 2000

Chief Michael Dombeck
U.S. Forest Service
Roadless Areas NOI
Salt Lake City, Utah 84122

Dear Chief Dombeck:

The Bozeman City Commission unanimously urges you to develop a farsighted and comprehensive policy that would effectively protect, intact and undiminished, remaining roadless areas administered by the U.S. Forest Service.

Roadless lands are responsible for a number of benefits to our community and region. They provide clean drinking water, late season irrigation flows, and groundwater recharge. They also offer prime wildlife habitat and associated hunting and fishing opportunities. Their presence strengthens our fast-growing economy, which is dependent on our high quality of life. And because of roadless areas, a myriad of traditional recreational opportunities are available to tourists and residents.

The City of Bozeman lies in the heart of an area surrounded by spectacularly beautiful-yet unprotected-roadless lands, including the Bridger Mountains, the Gallatin Range, the Tobacco Root Mountains, and portions of the Madison Range. These roadless lands are heavily and gratefully accessed for a wide variety of activities. We were reassured to learn that residents and tourists will be able to continue these activities under a roadless area protection policy.

We urge you to adopt a roadless area protection policy that will keep remaining public wildlands in trust for the benefit of present and future generations.

Sincerely,

Marcia B. Youngman
MARCIA B. YOUNGMAN, Mayor

Jarvis H. Brown
JARVIS H. BROWN, Commissioner

J. N. Frost
JOE N. FROST, Commissioner

--- absent ---
STEVEN R. KIRCHHOFF, Commissioner

Sandra L. Smiley
SANDRA L. SMILEY, Commissioner

cc: Dave Garber, Supervisor, Gallatin National Forest
Gallatin County Commission
Dale Bosworth, Regional Forester, USFS

EXHIBIT
PENSACO Bayonne N.J

Street address: 411 East Main Street
Mailing address: P.O. Box 640
Bozeman, Montana 59771-0640

Phone: (406) 582-2300
Fax: (406) 582-2323
TDD: (406) 582-2301

Jun-22-00 09:31 Bitterroot National Fores 406 363 7159 P.01

6797

Roadless Area Conservation Proposed Rule
Public Comment Forum

H 1 2 5

Date: 6-22-00
Comments:

Please vigorously protect our present level of wilderness. I'm an avid biker. But, use the rest for multiple use, except in exceptional cases People have to eat too! P.S. I love bears. you couldn't hike all the wilderness in a lifetime.
Thank You

Name: Joseph D. Petrusaitis (Hamilton City Councilman)
Address: 503 S. 2ND St.
HAMILTON, MT. 59840
WARDI

**Please send comments to: USDA Forest Service- CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
Fax: (877) 703-2494
Email: roadlessdeis@fs.fed.us

**Comments must be received by July 17th, 2000.

CAET RECEIVED
JUN 26 2000

13565

City of Kalispell

Post Office Box 1997 • Kalispell, Montana 59903-1997 • Telephone (406) 758-7700 • FAX (406) 758-7758

July 3, 2000

CAET RECEIVED
JUL 06 2000

U.S.D.A. Forest Services - CAET
Attn.: Roadless Area Proposed Rule
Post Office Box 221090
Salt Lake City, UT 84122
FAX: 877-703-2494

Re.: Draft Environmental Impact Statement, Roadless Initiative

As Mayor of the City of Kalispell, Flathead County Seat, an area which has survived for over 100 years on revenue generated from timber industry related jobs as well as an area that uses the beautiful forests, mountains, and lakes as the basis of our recreation economy, I would hope that these comments are taken very seriously.

Before I attempt to comment on any of the details or suggestions of alternatives, I would like to make two observations regarding the DEIS.

Firstly, I believe that the fashion in which the entire Roadless Initiative was drafted falls far short of meeting the spirit and intent of the Federal Administrative Procedures Act in that it was not drafted by a diverse group of citizens. Rather it was drafted by a very focused environmentalist group who's ultimate agenda is, in my opinion, to close down our national forests. While these individuals and the current administration may truly believe in their agenda, they clearly do not advocate a realistic management philosophy of our forest lands or take into account the tremendous hardship being imposed on a community such as ours if these ridiculous, preferred alternatives are implemented.

Secondly, I believe the cumulative affects analysis of the DEIS (3-240) is woefully inadequate. For whatever reason, perhaps because of the manner this entire proposal has been brought before the American people, the true cumulative affects of the proposed forest planning regulations, road management policy, and roadless area conservation rule have not been fully analyzed. Much more detail must be done on their effects in an effort to reveal to the American people, and especially our local citizens, the true impacts of these drastic changes in public policies. As public officials, one of our most sacred responsibilities is toat least explain the facts regarding public policies to the individuals we serve before making decisions based upon these "facts".

Setting these two major flaws aside, and getting to the recommended alternatives, I would give my full support of Alternative "A", the no-action alternative. Pursuant to the dictates of the National Forest Management Act and The Wilderness Act, as well as the Sustain Yield Multiple Use Act and at least ten other federal policies regarding management of our national forests, there is more than adequate protection

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and policy currently established to ensure that responsible forest management specialists can properly establish forest management plans on our public lands.

There is no sensible argument that can be made to throw away the countless hours and millions of dollars invested in the site specific analysis of the 1987 Forest Management Plan in exchange for the plans contemplated by this proposed road initiative. Even under current policy the facts belie the headlines and rhetoric. When we consider the fact that on the Flathead National Forest alone last year, an area of approximately two million acres, while we grew 133 million board feet of timber, we harvested only 6 million. In addition to a tremendous loss in generated revenue for local schools and government, along with private sector jobs and payroll, even local foresters have indicated that we are at a precarious point in time regarding proper management of our forest lands from a fire prevention standpoint. Their best analysis of the current fuel load on the Flathead National Forest is that it is six to ten times the level it was during the drastic fire in the early 1900's which destroyed an excess of one million acres of prime timber in the Northwest.

While it would be incorrect to state that we have always utilized responsible forest management practices, there is no question over the decades we have learned many lessons and even now could fully meet the 100 million board foot sustained yield of our local national forest. This could be done in a fashion which would not only "not harm" the health of our local national forests, but would, in fact, benefit the overall health of the forests. Has it ever been conveyed to the public that this could be accomplished by harvesting one mature tree for every ten acres of national forest land?

I would sincerely request that your agency spend its limited resources on implementing truly scientific proposals recommended in the countless prior federal policies on National Forest Management instead of constantly responding to irresponsible requests of special interest groups who's agendas are not supported by responsible science and are extremely detrimental to the livelihoods of communities, governments, and countless citizens.

Sincerely,

Wm.E.Boharski

Wm. E. Boharski
Mayor
City of Kalispell

WEB/ksk

17272

City of Libby
952 E. Spruce St.
Post Office Box 1428
Libby, Montana 59923

Phone 406-293-2731
Fax 406-293-4090

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July 3, 2000

RECEIVED
JUL 17 2000

USFS Chief Dombeck
USDA - Forest Service
Attn: Roadless Areas
NOI PO Box 221090
Salt Lake City, UT 84122

Re: Exemption of Economic Development Administration
Economic Diversification Strategy Project #05-29-69002

Dear Chief Dombeck:

The City of Libby and I are in support of the exemption request that the Lincoln County Economic Development Council has filed with your office for the proposed Treasure Mountain Ski Area.

This economic development diversification strategy project has potential significant positive impact for our community and the surrounding area. With the decline of our resource-based industries in the past decade, there is a definite need for projects such as the Treasure Mountain Ski Area to bolster our area's economy.

We ask that you will seriously consider this request and also forward it to Agriculture Secretary Glickman for his consideration as well.

Thank you for your assistance with this request.

Sincerely,

Tony Berget

Tony Berget
Mayor

18643 NFS

MISSOULA
MIKE KADAS
OFFICE OF THE MAYOR
435 RYMAN MISSOULA, MONTANA 59802-4297

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June 16, 2000

RECEIVED
JUL 10 2000

RECV'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Michael Dombeck, Chief
US Forest Service
PO Box 96090
Washington, DC 20090

Dear Mr Dombeck,

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

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, 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. Montana is fortunate to have some of this nation's most impressive national forests. From the Flathead and Lolo to the Lewis and Clark National Forests, these lands are truly local and national treasures.

Roadless areas provide unique habitat for many fish species of great recreational, commercial and cultural value. Angling, hunting, camping, hiking and other recreation activities are an important part of the lives of many Montana residents. Protecting them protects our history and ensures a vibrant future.

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. These unlogged and unroaded areas also protect private property from landsliders and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. Protecting these areas will lead to more public wealth than using them for extractive purposes.

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 served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Mike Kadas, Mayor
Missoula, MT

Cc: Senators Burns and Baucus

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

Phone: (406) 523-4601 Fax: (406) 523-4932 E-Mail: mayor@ci.missoula.mt.us