

Colorado Petition

I. Introduction

The State of Colorado petitions the United States Department of Agriculture Forest Service (Forest Service) to protect and manage the approximately 4.1 million acres of Inventoried Roadless Areas (IRAs) in the State of Colorado under the terms set out in this petition. The State of Colorado petitions the Forest Service to establish a state-specific Colorado Roadless Rule (Colorado Rule) providing for the protection and management of affected forestlands consistent with management restrictions and allowances herein established, and that such management restrictions and allowances be implemented or amended only as herein authorized.

II. Executive summary of the recommendation

The Roadless Areas Review Task Force (Task Force) was created pursuant to C.R.S. § 36-7-302 in response to the 2005 State Petitions for Inventoried Roadless Area Management Rule¹ (State Petitions Rule) which gave state Governors the opportunity to petition the United States Forest Service (USFS) with management proposals for IRAs in their respective states.

The Task Force, which was composed of a diverse group of bi-partisan members, was charged with formulating recommendations for Governor Owens on how Colorado wants its IRAs managed. In addition to holding public participation meetings in eight Colorado localities and the State Capitol, the Task Force met for seven deliberative meetings to discuss and draft the recommendations. On September 13, 2006 the Task Force submitted its final recommendations to the Governor. Those recommendations remain intact in this petition submitted in accordance with 7 C.F.R. 1.28, with the authority of 5 U.S.C. 553(e), in the “management recommendations” section below.

This petition was made necessary by the decision in Cal. ex rel. Lockyer v. United States Dep't of Agric., 2006 U.S. Dist. LEXIS 72226, 52 (D. Cal. 2006), which set aside the State Petitions Rule and reinstated the 2001 roadless rule. However, if the State Petitions Rule is reinstated, it is the Governor of Colorado's intent that this petition will constitute Colorado's request for rulemaking under the State Petitions Rule.

The format of this petition is structured according to the guidelines provided in the State Petitions Rule. This petition provides background information on Roadless Areas and the Colorado state statute that created the Task Force, followed by the proposed Colorado Rule, including a description of lands to be covered by the rule and the management recommendations. The management recommendations are followed by supplemental information, including the goals of the recommendations, a comparison of the recommendations and the existing IRA policy and law, a comparison of how the recommendations comply with state and local law and policy, a description of how the

¹ 36 CFR part 294(b) (2005)

recommendations impact fish and wildlife, and a summary of the public involvement in the recommendations. Finally, a request for cooperating agency status follows the summary of public involvement.

III. Background (including history of 2001 and 2005 Rules and state statutory requirements, 2001 Rule as the starting point for evaluation)

a. Background Information on Wilderness and Roadless Area Evaluation

The wilderness concept in the Forest Service began in the early 1920's and was formally recognized in 1924 with the administrative designation of the Gila Wilderness in the Gila National Forest in New Mexico. Subsequently, additional Wilderness, Wild, Primitive or Canoe areas were administratively established by the agency, with 87 of these areas totaling 14.6 million acres by 1964.

In 1964, Congress passed the Wilderness Act, creating the National Wilderness Preservation System (NWPS). The original NWPS designations included, among other lands, all National Forest System land administratively classified as wilderness, wild, or canoe. Over 9 million acres were designated. Just over 720,000 acres of this total amount were in Colorado. The 1964 Wilderness Act also directed the Secretary of Agriculture to study, by September 3, 1974, the suitability or non-suitability for designation as wilderness 34 administratively classified primitive areas, encompassing 5.5 million acres of the National Forest System.

By the early 1970's many of the primitive area reviews had been completed and submitted to Congress. The remaining primitive areas were awaiting Congressional action or completion of the Forest Service's review. In 1972, the agency undertook an inventory and evaluation of all undeveloped areas within the National Forest System that could be considered for possible inclusion in the NWPS. This first roadless area review and evaluation (RARE) effort concluded in October of 1973 with the selection of 274 wilderness study areas containing about 12.3 million acres. These selections were made from a total inventory of 1,449 areas containing 56 million acres. The reviews of these study areas were to be completed in the planning process.

In 1977, concerns were expressed that the planning process might be too slow for the timely completion of the reviews for the 274 study areas. In addition, there were also concerns that some areas might have been overlooked and that RARE did not adequately inventory the National Grasslands or the Eastern National Forests. In response to these concerns, the Secretary initiated RARE II. RARE II was completed in January of 1979 and identified 2,919 areas containing just over 62 million acres; it recommended that 15 million acres be added to the NWPS, 36 million acres be allocated to nonwilderness uses, and about 11 million acres be placed into a further planning category. RARE II in Colorado analyzed 234 roadless areas totaling approximately 6.5 million acres. The identification of these areas was based on the criteria that they met the definition of wilderness as per section 2(c) of the 1964 Wilderness Act.

In June of 1979 the State of California initiated a lawsuit challenging the RARE II decision to designate certain IRAs in the State as nonwilderness. Both the U.S. District Court and the Ninth Circuit Court of Appeals agreed that the RARE II Final Environmental Impact Statement (FEIS) did not comply with the requirements of the National Environmental Policy Act (NEPA).

Following the Court's decision, the planning regulations were revised in 1983 to require the evaluation of IRAs for potential wilderness in forest planning. The planning regulation allowed the agency to maintain discretion over development of IRAs after a land management plan was completed. Subsequent court decisions supported the concept that nonwilderness multiple-use management prescriptions assigned to IRAs in land management plans are permissive rather than a mandate or commitment to development because the "no-action" alternative still exists for these areas. Environmental analysis (NEPA) documents for site-specific project proposals in IRAs assigned to a nonwilderness management prescription must examine the issue of whether to develop, not just how to develop.

In the 1980's (the time that most of the land management plans for units of the National Forest System were being developed), Congress added millions of acres to the NWPS by enacting multiple Wilderness Acts on a state-by-state basis. Colorado has nearly 3.4 million acres of Wilderness; 3.2 million acres are managed by the National Forests.

As a basis for the 2001 roadless rule, there were 4.4 million acres of roadless in Colorado. Of this total roadless acreage, 925,000 acres did not allow road construction or reconstruction under the forest plans. Since this time, the White River, San Juan, and GMUG Forest Plan revision efforts have updated their roadless inventories. The Pike/San Isabel is currently revising their roadless inventory. Currently, there are approximately 4 million acres of IRAs in Colorado.

The 2001 roadless rule was the subject of nine lawsuits in Federal district courts. As part of the legal challenge to the roadless rule by the State of Wyoming, the U.S. District Court for the District of Wyoming issued a permanent injunction and set aside the roadless rule on July 14, 2003. The court found that the roadless rule was promulgated in a manner that was illegal, both procedurally and substantively. The court ruled against the government on 5 of 6 claims under NEPA, and also found that the roadless rule violated the Wilderness Act of 1964 because the timber harvest and road construction prohibitions constituted establishment of *de facto* wilderness (only Congress can designate wilderness areas). This decision was appealed to the U.S. Court of Appeals for the Tenth Circuit. The appeal was subsequently dismissed as moot when the roadless rule was replaced in May 2005 by the State Petitions for Inventoried Roadless Area Management Rule (State Petitions Rule), 36 CFR 294-Subpart B.

In July 2004, Agriculture Secretary Ann M. Veneman proposed a rule that responded to the lengthy litigation of the 2001 roadless rule. The proposal was for establishing a process for Governors to work with the Forest Service to develop locally-supported rules for conserving IRAs in their states. The proposed rule was published in the Federal Register on July 16, 2004, for a 60-day public comment period (69 FR 42636). Due to public requests for additional time, the comment period was extended by 62 days for a total of 122 days. The Forest Service received approximately 1.8 million public comments.

On May 5, 2005, Agriculture Secretary Mike Johanns announced the adoption of the final State Petitions Rule which replaced the 2001 roadless rule. This rule became effective on May 13, 2005 (70 FR 25654).

In May 2005, the State of Colorado passed Senate Bill 05-243 to form a 13 person Task Force to make recommendations to the Governor regarding the appropriate management of roadless areas in the national forests in Colorado prior to the governor's deadline to submit a petition. The Secretary's response to the Governor's petition would have been to accept or decline the petition to initiate a State-specific rulemaking. If the Secretary accepted the petition, the Forest Service would be directed to coordinate with the petitioner to initiate a Colorado-specific rulemaking that addressed the proposed changes to the management requirements for IRAs put forth in the petition.

In September 2006, a United States District Court in California reinstated the 2001 roadless rule as the management prescription for National Forest System IRAs. The decision in Cal. Ex rel. Lockyer, 2006 U.S. Dist. LEXIS 72226, 52, set aside the State Petitions Rule and reinstated the 2001 roadless rule. Since petitions may no longer be submitted under the State Petitions Rule, and significant time and resources have already been committed to their formulation, states may instead submit petitions to amend the 2001 roadless rule to the United States Forest Service in accordance with the Administrative Procedures Act, pursuant to 7 C.F.R. 1.28, under the authority of 5 U.S.C.S. § 553(e). Nonetheless, the possibility of the State Petition Rule being reinstated due to ongoing litigation has not been precluded; states may exercise their right to submit a petition under that rule should the Lockyer decision be overturned.

b. Background Information on the Colorado State Statute that created the Roadless Areas Review Task Force

The Task Force was created by Senate Bill 05-243 and codified in C.R.S. § 36-7-302. Pursuant to C.R.S. § 36-7-302(1), the Task Force was charged with providing recommendations to the Governor regarding the appropriate management of Colorado's IRAs. C.R.S. § 36-7-302(1) required the Task Force submit its recommendations to the Governor on or before September 13, 2006. The State Petitions Rule mandated the Governor to submit IRA management recommendations to the United States Forest Service by November 13, 2006.

Moreover, C.R.S. § 36-7-302(2) provided guidelines for the process the Task Force followed in formulating their recommendations. C.R.S. § 36-7-302(2)(a) required the

Task Force to hold public meetings at the state capitol and eight Colorado localities. In addition to the public hearings, C.R.S. § 36-7-302(a)(III) stipulated that the Task Force must also provide an opportunity for Colorado citizens to submit written public comment. It was requisite that the Task Force consider and give weight to all public comment².

In accordance with C.R.S. § 36-7-302(3), the recommendations could include boundary adjustments to applicable forest areas, modifications to management prescriptions or standards and guidelines as provided in the 2001 roadless rule. All Task Force recommendations required the affirmative consent of at least eight members³.

IV. Proposed Colorado Rule

a. Description of Lands

Forest Service official IRA boundary files are updated and managed by the Geospatial Services and Technology Center (GSTC). All inventory information is available to the public through the Roadless Area Conservation website (<http://roadless.fs.fed.us>). Any updates to existing inventories, or replacements associated with Forest Plan revisions will be completed through GSTC once the new IRA boundaries have been approved.

Forest Service units are required to update their IRA boundaries with the plan revision process, amendments to their plans may also be completed to correct mapping errors, or address Congressional designations. The Colorado roadless rulemaking process should use the most updated IRA boundaries available. The following Colorado forests are undergoing forest plan revisions and have revised their IRA boundaries during the revision process: San Juan National Forest, Grand Mesa, Uncompahgre, Gunnison National Forests, Pike/San Isabel National Forest, and the Manti-La Sal National Forest. The Colorado roadless petition and rulemaking uses these updated IRA boundaries.

When these revisions are completed and approved, the updated inventories will replace those inventories in the set of maps contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000 held at the National headquarters office of the Forest Service by GTSC.

The IRA boundaries on the Arapaho/Roosevelt National Forest are consistent with the maps held by GTSC, except for those areas removed in 2002 under the James Peak Wilderness Act. The Colorado Rulemaking should use these most current IRA boundaries for the Arapaho/Roosevelt.

² CRS § 36-7-302(2)(b)

³ CRS § 36-7-302(3)

The IRA boundaries for the Rio Grande, the White River, and the Routt are those contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000 held at the National headquarters office of the Forest Service by GTSC, and will be used for the Colorado Rulemaking.

These above updates should provide the Colorado Rulemaking process with the most updated IRA boundaries for the State of Colorado. Updated maps and information will be available at the Rocky Mountain Regional Office planning staff; until such time that the information is updated by the GTSC.

b. Management Recommendations

Background and general provisions

Definitions

The following terms and definitions apply to this Rule:

Inventoried roadless areas. Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service, or as such maps may be amended pursuant to the procedures established by this Rule.

Responsible official. The Forest Service line officer with the authority and responsibility to make decisions regarding protection and management of inventoried roadless areas pursuant to this subpart.

Road. A motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road may be classified, unclassified, or temporary.

(1) Classified road. A road wholly or partially within or adjacent to National Forest System lands that is determined to be needed for long-term motor vehicle access, including State roads, county roads, privately owned roads, National Forest System roads, and other roads authorized by the Forest Service.

(2) Unclassified road. A road on National Forest System lands that is not managed as part of the forest transportation system, such as unplanned roads, abandoned travelways, and off-road vehicle tracks that have not been designated and managed as a trail; and those roads that were once under permit or other authorization and were not decommissioned upon the termination of the authorization.

(3) Temporary road. A road authorized by contract, permit, lease, other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management.

Roadless area characteristics. The following are resources or features that are often present in and characterize inventoried roadless areas and shall be used as guidance and context for decisions about the management of roadless areas. Such features also exist outside many Roadless areas in many instances. The enumeration of these resources and features does not constitute in any way the establishment of any legal standard, requirement, or cause for any administrative

appeal or legal action related to any project or activity otherwise authorized by this rule.

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- (5) Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;
- (6) Reference landscapes;
- (7) Natural appearing landscapes with high scenic quality;
- (8) Traditional cultural properties and sacred sites; and
- (9) Other locally identified unique characteristics.

Road construction. Activity that results in the addition of forest classified or temporary road miles.

Road maintenance. The ongoing upkeep of a road necessary to retain or restore the road to the approved road management objective.

Road reconstruction. Activity that results in improvement or realignment of an existing classified road defined as follows:

- (1) Road improvement. Activity that results in an increase of an existing road's traffic service level, expansion of its capacity, or a change in its original design function.
- (2) Road realignment. Activity that results in a new location of an existing road or portions of an existing road, and treatment of the old roadway.

Valid existing rights and authorizations

Exercise of and access to valid and existing rights and authorizations are deemed compatible with the management of areas affected by this Rule. Inclusion of land in the roadless inventory will not, itself, be used as reason for non-renewal or modification of existing rights or permits. Nothing in this Rule will be construed as expressly or implicitly affecting or otherwise biasing decisions related to the renewal, continuation, or transfer of valid and existing rights and authorizations.

Lands covered by the Rule

Ski areas

The Responsible Official shall remove from roadless inventory all areas allocated by the USFS in Colorado to ski area special uses, including all areas inside special use permit boundaries, plus areas allocated by forest plans currently under revision. For the forest plans currently under revision, the roadless inventory boundary adjustment may be made concurrently with land allocation decisions made in the forest plan. This boundary adjustment by itself does not authorize activities within ski area boundaries. Those activities shall be proposed and analyzed as required by existing law and authorization.

State Land Board Minerals

The Responsible Official shall relocate the inventoried roadless area boundary in section 15, Township 20 South, Range 71 West of the 6th Principal Meridian, Fremont County, Colorado, from the south section line to the north side of the road that traverses the section.

Notwithstanding any other provision in this Rule, the Colorado State Land Board shall be allowed to develop its mineral interest that underlies Forest Service surface ownership (described in Exhibit A). This development may be facilitated by the construction of roads, if such roads are deemed necessary and other access options are not practicable.

The Forest Service may exchange mineral interests of comparable value with the State Land Board in lieu of allowing mineral development in areas described in Exhibit A.

North Fork coal mines

- (A.) Upon the leasing of federal coal reserves under certain lands in the North Fork Valley of the GMUG National Forest, such lands shall be removed from applicability under the Rule for activities related to and in support of the underground mining of coal, subject to the following:
 - a. Applicability of this Rule shall be re-established upon the expiration of such leases, and that such lands shall be reclaimed and restored to natural conditions according to applicable laws, lease and permit conditions.
 - b. During the term of such coal leases, any roads constructed as part of such coal-related surface activities shall be closed and motorized access prohibited except for use specifically for such coal-related activities and for Forest Service administrative access.
- (B.) Coal exploration in such areas shall be permitted prior to leasing, provided that any roads constructed for such exploration shall be closed and access prohibited except for use specifically for coal exploration and for Forest Service administrative access, and provided that any roads and surface alterations constructed during exploration shall be reclaimed and restored under terms established in Forest Service permits if the exploration does not lead to a lease. If exploration does lead to a lease, subsection A of this section shall apply.
- (C.) The removal of the applicability of this Rule to certain lands as authorized under this section shall apply only to those lands that are actually leased, not to entire roadless units where only a part of a unit is leased.

The areas, as identified by name include:

Pilot Knob landscape – Springhouse Park Inventoried Roadless Area (RARE II #184, New Roadless Inventory #11)

Electric Mountain landscape – Electric Mountain Inventoried Roadless Area (RARE II #185, New Roadless Inventory #10)

Terror landscape – Cunningham Creek (mostly south end) and Hubbard Creek (northeast end) Inventoried Roadless Areas (south tip of RARE II #191; south boundary edge of New Roadless Inventory #07)

Leroux landscape – Currant Creek Inventoried Roadless Area (southwest lobe of RARE II #191; New Roadless Inventory #06), these inventoried roadless area and inventory numbers overlap to the west with the Marcott landscape in the Grand Mesa Geographic Area.

Marcott landscape – west of Leroux and includes large portion of Currant Creek Inventoried Roadless Area.

Sunset unit – Sunset Inventoried Roadless Area (RARE II #196, New Roadless Inventory #23)

Flatirons landscape – (New Roadless Inventory #24). This area separated from Sunset (above) by Road #711.

Adjustment of inventoried roadless areas

The Responsible Official shall make additions to or deletions from the inventoried roadless areas as part of forest plan revisions, based on new information provided by the public, state agencies, or by the Forest Service, and based in sound research and accurate measurements.

Such inventory adjustments shall be made based upon objective standards as established in existing Forest Service policy as of the date of establishment of this Rule. Such inventory adjustments shall be used only for the purposes of determining whether applicable lands meet the specifications of a roadless area, and the inventory shall not unto itself constitute or otherwise confer a management theme, designation, or prescription, except as provided in this Rule.

Amending the Colorado Rule

Any future amendment or other revision to the Colorado Rule, shall be made only through a state-specific amendment to the Colorado Rule.

Roads

Roads selectively allowed

(a) A road may not be constructed or reconstructed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, a road may be constructed or reconstructed in an inventoried roadless area if the Responsible Official determines that one of the following circumstances exists:

(1) A temporary road is needed for treatment actions and in areas identified in a community wildfire protection plan as defined in 101(3) of the Healthy Forests Restoration Act of 2003 (Pub. Law No. 108-148) or, if a community wildfire protection plan is not present, within areas of the wildland-urban interface as defined in section 101(16) of the Healthy Forests Restoration Act of 2003;

(2) A temporary road is needed for public health in other areas in cases of threat of flood, fire, or other potential catastrophic event that, without intervention, would cause the loss of life, property or natural resource values;

(3) 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;

(4) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty;

(5) In order to provide for valid and existing rights and authorizations, a road is needed to provide access to existing or future grazing allotments to construct and maintain range improvements, or to gain access in emergencies such as fire, drought, flood, sick or injured animals, failure of livestock water facilities (including the potential need for water hauling under drought conditions) or other similar ranching circumstances of an emergency nature. Each allotment management plan should include a description of range improvements and the type of access that will be allowed under the permit; Inclusion of land in the roadless inventory will not, itself, be used as reason for non-renewal or modification of existing rights or permits. Nothing in this Rule will be construed as expressly or implicitly affecting or otherwise biasing decisions related to the renewal, continuation, or transfer of valid and existing rights & authorizations;

(6) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance;

(7) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road;

(8) The Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable and prudent alternative exists;

(9) A temporary road is needed in conjunction with the continuation, extension, or renewal of a mineral lease, including the construction of infrastructure necessary to transport the product, on lands that are under lease by the Secretary of the Interior as of the effective date of this Rule or for a new lease issued immediately upon expiration of an existing lease. Such road construction or reconstruction must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbance, and complies with all applicable

lease requirements, land and resource management plan direction, regulations, and laws. Roads constructed or reconstructed pursuant to this paragraph must be obliterated and reclaimed when no longer needed for the purposes of the lease or upon termination or expiration of the lease, whichever is sooner; any lease stipulation, issued for existing leases, that prohibits road building or restricts road building shall be enforced and shall not be waived.

(10) A road is needed to allow for construction, maintenance and emergency response of utility and water conveyance structures.

(11) Maintenance of classified roads is permissible in roadless areas.

All roads constructed pursuant to paragraph (b) of this section shall be closed to all motorized vehicles not specifically used for the purpose of the access. The Forest Service shall, to the extent practicable, emphasize the use of non-permanent roads in all instances, and allow only temporary roads where specified in paragraph (b). Any temporary road shall be decommissioned and obliterated and the affected landscape restored immediately upon termination of the purpose for the road. Roadless areas in which temporary roads are allowed and built will not lose their roadless inventory status during the use of the temporary roads. The Forest Service shall conduct an Environmental Impact Statement whenever proposing to build a permanent road, and shall consider a no-road and non-permanent road alternative as part of such Environmental Impact Statement.

Nothing in this Rule shall be construed as expressly or implicitly affecting or otherwise biasing the current or future management status of existing trails including non-system roads or existing roads in areas covered by the Colorado Rule. Decisions about the future status of trails shall be made during applicable travel management processes, subject to the prohibitions and allowances established in this Rule.

Tree cutting

Tree cutting selectively allowed

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the national Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists.

(1) The cutting, sale, or removal of timber is needed for one of the following purposes

- (i) In consultation with the Colorado Department of Natural Resources including the Colorado Division of Wildlife, where deemed appropriate for the purpose of wildlife habitat management and improvement for wildlife species, including threatened,

endangered, proposed or sensitive species, while maintaining or improving roadless characteristics as defined in this Rule,

- (ii) to reduce the risk of wildfire effects or large scale insect and disease outbreaks, in areas covered by and as provided in a community wildfire protection plan as defined in section 101(3) of the Healthy Forests Restoration Act of 2003 (Pub. Law No. 108-148) or, if a community wildfire protection plan is not present, within areas of the wildland-urban interface as defined in section 101(16) of the Healthy Forests Restoration Act of 2003; the Colorado Rule recognizes community wildfire protection plans may extend beyond wildland-urban interface. To the extent practicable, consistent with the purposes of this paragraph, the responsible official shall implement projects under this paragraph in balance with roadless area characteristics as defined in this Rule.

(3) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

(4) The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223; or

(5) Roadless characteristics have been substantially altered in a portion of an inventoried roadless area due to the construction of a classified road and subsequent timber harvest. Both the road construction and subsequent timber harvest must have occurred after the area was designated an inventoried roadless area and prior to the effective date of this Rule. Timber may be cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

Scope and applicability

(a) This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land issued prior to the effective date of this Rule.

(b) This subpart does not compel the amendment or revision of any land and resource management plan.

(c) This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of this Rule.

(d) The prohibitions and restrictions established in this subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.

(e) If any provision of the rules in this subpart, or its application to any person or to certain circumstances, is held invalid, the remainder of the regulations in this subpart and their application remain in force.

FUTURE OIL & GAS LEASES

Nothing in this Rule shall affect the availability of inventoried roadless areas for future oil & gas leasing, except that for any leases issued after the date of

implementation of this Rule, no new roads for oil & gas exploration, development, or transportation may be constructed in inventoried roadless areas.

Drafting and use of terms

While the Colorado petition appears in places to be an attempt to draft specific rule language, it is the intent of this petition to provide policy guidance to the USDA and USFS. The task of converting this document to a corresponding rule will undoubtedly result in minor modifications and conversion of inappropriate terms to legally acceptable and enforceable terms. Rather than defining terms that are not currently used in Forest Management rules and policies, the rule drafters should look to use currently recognized terms and phrases in lieu of undefined terms in the Colorado petition. In addition, any proposal that would result in an obvious illogical conclusion when strictly applied should be adjusted during the rulemaking process to achieve the intent of the proposal.

c. Goals of the Recommendations

Conserving Roadless Area values and characteristics

The management recommendations enumerate a list of resources and features, often present in and characteristic of IRAs, which must be used as guidance and context for decisions about the management of roadless areas. These resources and features include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics.

A list of exceptions to the general rule that roads may not be constructed or reconstructed in the IRAs of Colorado is provided for in the management recommendations. However, the exceptions are qualified with several provisions that strive to preserve the roadless character of these areas to the greatest extent practicable. These provisions include a stipulation that the Forest Service shall, to the extent practicable, emphasize the use of non-permanent roads in all instances, and allow only temporary roads where specified in the exceptions. Furthermore, all temporary roads shall be decommissioned and obliterated and the affected landscape restored immediately upon termination of the purpose for the road. In regard to the construction of permanent roads, an Environmental Impact Statement must be conducted by the Forest Service and no-road and non-permanent road alternatives must be considered. All roads which are constructed under the exceptions to the general rule shall be closed to all motorized vehicles not specifically used for the purpose of the access in the hope of conserving the aforementioned roadless area characteristics to the greatest extent practicable.

Protecting human health and safety

Three of the exceptions to the general rule prohibiting road construction or reconstruction in the IRAs of Colorado relate directly to the protection of human health and safety.

Exception number two provides for the construction of a temporary road if it is needed for public health in cases of a threat of flood, fire, or other potential catastrophic event that, without intervention, would cause the loss of life, property or natural resource values.

Road safety improvements are provided for in exception seven, which allows for road reconstruction if it is needed to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

Finally, exception ten protects human health by allowing road building if it is needed to allow for construction, maintenance and emergency response of utility and water conveyance structures.

Reducing hazardous fuels and restoring essential wildlife habitats

The petition addresses the need for reducing hazardous fuels and restoring essential wildlife habitat by providing exceptions to the general rules of no road construction and no timber removal which address those specific needs.

Reduction of hazardous fuels

The first exception to the no road construction rule provides for the construction of a temporary road if it is needed for treatment actions and in areas identified in a community wildfire protection plan as defined in 101(3) of the Healthy Forests Restoration Act of 2003 (Pub. Law No. 108-148), or, if a community wildfire protection plan is not present, within areas of the wildland-urban interface as defined in section 101(16) of the Healthy Forests Restoration Act of 2003.

Similarly, the second part of the first exception to the no timber removal rule allows for the cutting, sale, or removal of timber if it is required to reduce the risk of wildfire effects or large scale insect and disease outbreaks.

Restoring essential wildlife habitats

Exception one, part one, to the no timber removal rule provides for the cutting, sale, or removal of timber if, in consultation with the Colorado Department of Natural Resources, the Responsible Official deems it appropriate for the purpose of wildlife habitat management and improvement for wildlife species, including threatened, endangered, proposed or sensitive species.

Maintaining existing facilities or providing reasonable access to public and private property or public and privately owned facilities

Maintaining existing facilities

Exception five to the no road construction rule allows for road construction where, in order to provide for valid and existing rights and authorizations, a road is needed to provide access to existing or future grazing allotments to construct and maintain range improvements, or to gain access in emergencies such as fire, drought, flood, sick or injured animals, failure of livestock water facilities (including the potential need for water hauling under drought conditions) or other similar ranching circumstances of an emergency nature.

Exception ten to the no road construction rule allows for road construction if needed for the construction, maintenance and emergency response of utility and water conveyance structures.

Providing reasonable access to public and private property or public and privately owned facilities

Federal rules and regulations governing the construction of highways provide for reasonable access to both public and private property, the Colorado Rule recognizes that a need for highway construction on IRAs may arise in the future. Exception eight to the no road construction rule allows for such construction if the Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable and prudent alternative exists.

In order to provide reasonable access to valid and existing mineral leases, exception nine to the no road construction rule allows for a temporary road if needed in conjunction with the continuation, extension, or renewal of a mineral lease, including the construction of infrastructure necessary to transport the product.

Technical corrections to existing maps such as boundary adjustments to remove existing roaded areas

Adjustment of IRAs is left to the discretion of the Responsible Official. Any additions to or deletions from the IRAs as part of forest plan revisions must be based on new information provided by the public, state agencies, or by the Forest Service, and based in sound research and accurate measurements. Such inventory adjustments shall be made based upon objective standards as established in existing Forest Service policy as of the date of establishment of the Colorado Rule.

d. Recommendations and Existing Policy and Law

Prior to the 2001 roadless rule, Forest Land and Resource Management Plans governed the management of the IRAs.

Plan revisions are completed with extensive public involvement, including the future management of IRAs. Management of IRAs on those forests in Colorado that have completed forest plan revisions, as well as those currently under revision, varies from areas where wilderness is recommended to areas where resource production is the emphasis. In general, about 54% of the total roadless acres in Colorado are within a management theme that would retain roadless character if managed under the Forest plans.

Compared to the 2001 roadless rule, management of IRAs under the Colorado petition will increase flexibility for road construction and timber management within most IRAs. Compared to existing Forest Plan direction, management under the Colorado Rule will likely increase flexibility for road building and vegetation management in some IRAs, or may increase limitations on road building and timber harvest in other locations.

Any specific projects to be completed under the Colorado Rule will still need to be documented and approved through NEPA, would be subject to consultation with appropriate agencies under the Endangered Species Act, and would need to be implemented using Best Management Practices.

1. *Definitions and Official Map Updating*

The 2001 roadless rule had the following definition for Inventoried Roadless Areas:

Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service, or any such update or revision of those maps.

The 2001 roadless rule did not set up any procedure to update or revise the official maps.

The Colorado petition has the following definition for Inventoried Roadless Areas:

Areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National headquarters office of the Forest Service, or as such maps may be amended pursuant to the procedures established by this Rule.

The Colorado petition sets up a procedure for updating the official maps which includes the following:

Ski Areas

The Responsible Official shall remove from roadless inventory all areas allocated by the USFS in Colorado to ski area special uses, including all areas inside special use permit boundaries, plus areas allocated by forest plans currently under revision. For the forest plans currently under revision, the roadless inventory boundary adjustment may be made concurrently with land allocation decisions made in the forest plan.

State Land Board Minerals

The Responsible Official shall relocate the inventoried roadless area boundary in Section 15, Township 20 South, Range 71 West of the 6th Principal Meridian, Fremont County, Colorado, from the south section line to the north side of the road that traverses the section.

North Fork coal mines

Upon the leasing of federal coal reserves under certain lands in the North Fork Valley of the GMUG National Forest, such lands shall be removed from applicability under the Rule for activities related to and in support of the underground mining of coal.

The removal of applicability is only related to those lands that are actually leased and not to entire roadless units. The Rule applicability is re-established when the leases expire. The areas are identified in the petition by name.

Adjustment of inventoried roadless areas

The Responsible Official shall make additions to or deletions from the inventoried roadless areas as part of forest plan revisions, based on new information provided by the public, state agencies, or by the Forest Service, and based in sound research and accurate measurements.

e. Management Recommendation and State/Local Comparison

The mission and policy of the Colorado State Forest Service is to provide for the stewardship of forest resources and to reduce related risks to life, property and the environment for the benefit of present and future generations. The Colorado Rule allows the Forest Service to continue as a good steward of forest resources, while also

providing it with the tools to reduce related risks to life, property and the environment for the benefit of present and future generations.

Stewardship of forest resources

The Colorado Rule provides for the stewardship of forest resources by allowing for common sense management of the natural resources found in Colorado's IRAs while still emphasizing the protection of Roadless area characteristics and placing restrictions on the construction of roads and the extraction of timber.

The Colorado Rule recognizes the need for prudent energy production in Colorado's IRAs. Many Coloradoans depend on the North Fork Valley coal mines in the GMUG National Forest for their livelihood, and energy consumers depend on the North Fork coal mines for clean, energy efficient coal. Recognizing these needs, the Colorado Rule allows for the leasing of federal coal reserves under limited lands in the North Fork Valley.

The Colorado State Land Board (SLB) has a significant mineral interest that underlies Forest Service surface ownership. The Colorado Rule allows the SLB to construct roads to facilitate the development of these mineral interests.

Moreover, the Colorado Rule provides for road realignment if it is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance.

Finally, exception number three to the no road construction rule permits road construction 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.

Reducing related risks to life, property, and the environment

The following exceptions to the no road construction rule apply to the reduction of risks to life, property, and the environment in Colorado's IRAs. Exception number one provides for the construction of temporary roads for wildfire treatment actions and in areas identified in a community wildfire protection plan. The second exception permits the construction of temporary roads if needed for the public health in cases of threat of flood, fire, or other potential catastrophic events that, without intervention, would cause the loss of life, property or natural resource values. Exception number seven provides for road safety in Colorado's IRAs by allowing for road reconstruction to implement a road safety improvement project on a classified road determined to be hazardous on the basis of accident experience or accident potential on that road.

The Colorado Rule provides exceptions to the no timber removal rule in order to protect and enhance wildlife habitat and protect the citizens living within Colorado's IRAs. Exception number one, part one, provides for the cutting, sale, or removal of

timber where deemed appropriate for the purpose of wildlife habitat management and improvement for wildlife species, while maintaining or improving roadless characteristics as defined in this Rule.

Wildfire due to large scale insect and disease outbreaks is a major threat to the wildlife and people living adjacent to Colorado's IRAs. The second part of the first exception to the no timber removal rule allows for the cutting, sale, or removal of timber to reduce the risk of wildfire effects or large scale insect and disease outbreaks.

f. Recommendation Impacts to Fish and Wildlife

The recommendations allowing for limited, closely regulated activity in IRAs is intended to minimize impacts to fish and wildlife populations in Colorado.

Impacts to fish and wildlife populations received more analysis than any other issue during the Colorado process. The Colorado Division of Wildlife submitted IRA specific analysis on every IRA in Colorado. That analysis can be found at the Executive Director's Office of the Colorado Department of Natural Resources (Addendum 3), and is incorporated by reference into these recommendations.

g. Public Involvement

Pursuant to C.R.S. §§ 36-7-302(2)(a)(I)-(II), the Task Force was statutorily charged with holding public participation meetings in eight Colorado localities and the State Capitol in order to receive and record public comment regarding the management of Colorado's IRAs.

In addition to the public comment periods provided for in every public participation meeting, three panels were given an opportunity to provide input on the forest for which the meeting was scheduled. The three panels were: (1) Forest Service Forest Supervisors for the particular forest discussed at that meeting; (2) Invited representatives of State and Local Government; and (3) Interested Stakeholder Groups.

Forest Supervisors provided general information on their forest, current issues affecting their forest, comparisons of the Forest Plan for their forest with the 2001 Roadless Rule, and any other information they deemed pertinent to the Task Force's decision-making process.

Representatives of state and local government included county commissioners, town mayors, and city councilmen, but also included representatives from state agencies such as the Division of Wildlife and the Colorado Geological Survey. At the February 24, 2006 meeting, several federal officials were also given a chance to speak on this panel, including representatives from the United States Forest Service. Locally elected officials generally advised the Task Force on how their communities wanted to manage IRAs within close proximity to them. Representatives of state agencies commented on the statewide impact of IRAs; the Division of Wildlife, for example, gave input on how IRAs affected the wildlife in Colorado.

Finally, stakeholder group panels included a wide diversity of interested parties. A sampling of these groups included: representatives of the timber industry; Colorado Cattlemen's Association; oil and gas industry representatives; Colorado Off-Highway Vehicle Coalition; citizen alliances; hunting, angling, and related businesses; school board members; Colorado Farm Bureau; water interests; recreation groups and business owners; Trout Unlimited, and many other environmental groups. The information provided by these groups was as diverse as the groups themselves. All of them advised the Task Force on how their particular group wanted Colorado's IRAs managed.

Executive Summary of all Written Public Comment Received by the Task Force

The outlines of public comment (see Addendum 3), submitted to the Task Force between September 2005 and June 2006, were compiled pursuant to C.R.S. § 36-7-302(2)(b), which provides that the Task Force members shall consider and give weight to public comment regarding Colorado's IRAs when drafting their recommendations to the Governor.

Each outline is organized under one of the following general subjects: road construction/use, resource harvesting/collection, preserve habitat/wildlife, and signed form letters. The outlines are then further subdivided into themes, which fall within that outline's general subject area. For example, the resource harvesting/collection is subdivided into: timber harvesting (support and oppose); coal extraction (support and oppose); oil, gas and mineral extraction (support and oppose); general disapproval of any resource extraction or commercial development (commercial interests and private interests); and agricultural interests (commercial interests and private interests). The parentheses represent the different categories in which the public comment would fall within that theme. All of the themes were drawn from the public comment itself, when a particular theme recurred it was added to the appropriate outline. None were preconceived. In an effort to be transparent and impartial, a sentence or two from each public comment was included with the name of the originator under the appropriate category. Some comments were more difficult than others to categorize accurately; nonetheless, the utmost effort was made to be as precise as possible.

Road construction/use was by far the largest outline of written public comment. The two main themes consisted of people who, alternately, were in favor of road construction and use, and those who were opposed to road construction and use. Within the pro-road construction and use theme, the four most prevalent categories were, descending in numerical proportion, composed of people who wanted continued access for all terrain vehicles (ATVs) and off-highway vehicles (OHVs), private individuals generally in support of motorized road use, those who wanted to manage IRAs under the United States Forest Service Forest Plans and Travel Management Plans, and those who advocated motorized use in IRAs in order to allow access for the elderly and disabled. Within the theme of people opposed to road construction and use, the four most prevalent categories were, descending in numerical proportion, composed of private individuals generally opposed to road construction and use, those who advocated restriction of ATV and OHV access in

IRAs, those who supported legal restrictions (such as the 2001 roadless rule) on new road construction in IRAs, and commercial and organized groups generally opposed to new road construction and use. The three smaller themes within the road construction/use outline, from most numerous to least numerous, were made up of people who gave no clear position on IRAs, those who supported bicycle use in IRAs, and those who believed that IRAs were classified incorrectly (and suggested alternative classification methods). The former theme consisted of people who advocated very general positions, such as the preservation of forests, without giving any reference to IRAs or roads. For a raw numerical breakdown of the various themes and the less numerous categories, please see the outlines themselves.

Second to road construction/use in number of written comments was the resource harvesting/collection outline. The aforementioned themes consisted of those who either supported or opposed timber harvesting; supported or opposed coal extraction; supported or opposed oil, gas and mineral extraction; private and commercial/organized groups which opposed any resource extraction or commercial development; and private and commercial/organized interests in agriculture. General disapproval of any resource extraction or commercial development was the largest theme numerically, while more people opposed timber harvesting than supported it, more people supported coal extraction than opposed it, and slightly more people opposed oil, gas and mineral extraction than supported it. The agricultural interests consisted mostly of those who were in favor of protecting their right to access their property and graze their lands.

The third largest outline of written public comment was the preserve habitat/wildlife outline. Themes in this outline were organized slightly differently, in that it was divided into private concerns and organized group concerns. Private concerns were categorized into, from most numerous to least numerous, general concern for the preservation of habitat, protection of wildlife, and restriction of road construction for water and air quality. Organized group concerns were categorized into, from most numerous to least numerous, protection of wildlife, general concern for the preservation of habitat, and concerns with the bark beetle epidemic.

Finally, the signed form letters outline is different from the others in that it lacks individually written public comments. As the name suggests, it consists entirely of form letters, usually drafted by an interested organized group, that are signed by private individuals. Therefore, while the raw numbers from this outline far exceed those of the other three outlines combined, it should be borne in mind that the time and effort to submit these comments was much reduced. Four themes make up this outline. Descending from most numerous to least numerous, these themes included protection of roadless areas, opposition to Roadless designation (pro-ATV, OHV, and motorcycle use), support of resource extraction (coal and timber), and opposition to resource extraction.

Additionally, an index was compiled of all of the public comment received (see Addendum 3). Substantively it is no different from the outlines; it simply records chronologically all of the comments and documents received by the Task Force.

h. Cooperating Agency Commitment

As part of the rulemaking exercise creating the Colorado Rule, the Forest Service shall grant cooperating agency status to the State of Colorado (or any department, agency or political subdivision thereof) for all projects and planning activities implemented on lands covered by the Colorado Rule. Such status shall be granted upon the affirmative request of the State of Colorado (or the applicable department, agency or political subdivision thereof), consistent with 40 C.F.R. §§ 1501.6 & 1508.5.

Addenda

1. State Statute - C.R.S. 33-7-301 et. Seq.

36-7-301. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Applicable forest areas" means the approximately four million four hundred thousand acres of United States forest lands located in Colorado that were identified as roadless in a set of inventoried roadless area maps contained in the national forest service's roadless area conservation final environmental impact statement, volume 2, dated November 2000, and held at the national headquarters of the forest service.

(2) "Final rule" means the United States department of agriculture's rule regarding state petitions for inventoried roadless area management adopted after and in response to the proposed rule.

(3) "Proposed rule" means the United States department of agriculture's rule proposed on July 16, 2004, regarding state petitions for inventoried roadless area management, 69 FR 42636.

(4) "Roadless area conservation rule" means the final rule and record of decision published in the federal register on January 12, 2001, 66 FR 3244.

(5) "Task force" means the Colorado roadless areas review task force created in section **36-7-302**.

Source: L. 2005: Entire part added, p. 1487, § 2, effective (see editor's note).

Editor's note: Section 3 of chapter 318, Session Laws of Colorado 2005, provides that the act enacting this part shall take effect upon adoption of the final rule, a decision by the governor to participate in a state petition process specified in the rule, and the receipt of an implementing appropriation from the federal government in an amount deemed sufficient to implement this act. The executive director shall notify the revisor of statutes in writing when the conditions contained in this section have been satisfied. As of publication date, the revisor of statutes had not received notification that the said conditions have been satisfied.

36-7-302. Roadless areas review task force.

(1) There is hereby created the Colorado roadless areas review task force.

The task force shall make recommendations to the governor regarding the appropriate management of applicable forest areas. The task force shall make its recommendations on or before the date that is two months before the deadline specified in the final rule for the governor to submit management recommendations to the national forest service.

(2) (a) Prior to making its recommendations, the task force shall:

(I) Hold one public meeting in each of the communities of Delta, Durango, Fort Collins, Glenwood Springs, Monte Vista, Pueblo, and Steamboat Springs;

(II) Hold one public meeting at the state capitol; and

(III) Provide opportunity for Colorado citizens to submit written comments to the task force.

(b) The task force shall consider and give weight to public comments received during the public hearing process, as well as written comments from affected counties, cities, city and counties, special districts, forest stakeholder groups, and any other Colorado citizens. The task force shall consider comments on the roadless characteristics of all applicable forest areas, using the roadless area conservation rule as the starting point for its deliberations.

(3) The task force's recommendations may include boundary adjustments to applicable forest areas or modifications to the management prescriptions, standards, or guidelines of applicable forest areas as set forth in the roadless area conservation rule. All recommendations by the task force shall be based on a substantive analysis of the comments during the process described in subsection (2) of this section. Each of the task force's recommendations shall require the affirmative consent of eight of its members.

(4) The task force shall consist of:

(a) The executive director of the department of natural resources or the executive director's designee, who shall convene and chair the task force and who is authorized to contract with a mediator or other third party to facilitate accomplishment of the task force's duties;

(b) Four members appointed by the governor;

(c) Two members appointed by the speaker of the house of representatives;

(d) Two members appointed by the president of the senate;

(e) One member appointed by the chair of the house agriculture, livestock, and natural resources committee;

(f) One member appointed by the chair of the senate agriculture, natural resources, and energy committee; and

(g) Two members appointed by mutual agreement and consent of the governor, the speaker of the house of representatives, and the president of the senate.

Source: L. 2005: Entire part added, p. 1488, § 2, effective (see editor's note).

Editor's note: Section 3 of chapter 318, Session Laws of Colorado 2005, provides that the act enacting this part shall take effect upon adoption of the final rule, a decision by the governor to participate in a state petition process specified in the rule, and the receipt of an implementing appropriation from the federal government in an amount deemed sufficient to implement this act. The executive director shall notify the revisor of statutes in writing when the conditions contained in this section have been satisfied. As of publication date, the revisor of statutes had not received notification that the said conditions have been satisfied.

2. Process Used to Arrive at the Recommendations

On October 7, 2005, the 13-member Task Force met to discuss and establish a decision-making process to develop recommendations to the Governor. The process included gathering public comment on each forest and then developing recommendations for each forest. Meetings included nine public comment meetings in locations around the state and seven deliberative meetings.

Following the first public meeting, the Task Force established a consistent public meeting format that included three panels and an open comment period for the public. The three panels were: 1) Forest Service, represented by the Forest Supervisor; 2) state and local governments; and 3) invited stakeholder groups. Because the first public meeting for the GMUG forest had a different format, the Task Force went back and held a second public meeting in that community in order to provide consistency among all meetings. The general public was invited to sign up to speak for one minute during the open comment period session at each of the comment meetings. A proposed list of panel speakers was drafted by two Task Force members and that was reviewed by the whole Task Force. The goal of each meeting was to gather forest-specific data from local and varied interest groups, elected officials and others. These meetings were recorded and summarized in meeting summaries reviewed by the Task Force and posted on the web site. The meeting summaries are in hard copy at the Department of Natural Resources Executive Director's Office and can be found online at http://www.keystone.org/html/roadless_areas_task_force.html.

The Task Force established a web site and an on-line comment survey/comment form to gather comments beyond the public meetings and the comments received by mail. All forms of comments – verbal, written and electronic – were weighed equally. Comments received electronically or in the mail were reviewed and analyzed. The analyses were distributed to the Task Force for consideration. The analyses were compiled forest-by-forest, and a final combined analysis was also distributed. Written comments collected at the public meetings were analyzed and the analysis for those comments was attached to the meeting summary posted on the web.

Following the first deliberative meeting in February, the Task Force agreed to change the deliberative process from forest-by-forest decision making to statewide recommendations, and to postpone deliberations until after the public meetings. The Task Force agreed to develop a list of substantive issues based on the information collected thus far that would be the basis for discussion on potential recommendations. The Task Force formed subcommittees around each issue, and each committee developed a draft initial overview of the issue to clarify or define the scope, concerns and possible solutions for each issue from what had been heard to date.

At the April 19th meeting, the Task Force discussed each committee's work, broadening the elements of each issue and providing additional possible solutions. At the June 8th and June 22nd deliberative meetings, the Task Force continued to discuss each issue, narrowing the list of possible options through discussions of the impacts of the options on wildlife, watersheds, existing rights, and more.

The Task Force refined and adopted recommendation language section by section at their deliberative meetings on July 19th (face-to-face) and August 3rd (conference call). These draft final recommendations were posted on the web for public review during a 16-day comment

period. The Task Force reviewed the raw public comments and suggested revisions based on a preponderance of new public information. The recommendations were finalized on September 11th (conference call).

Issues and Issue Groups:

Timber – Joe Duda, Steve Smith, Diane Hoppe, Dave Ubell

Grazing – Tom Compton, Melanie Mills, Dave Ubell

Utility and Water Conveyance Structures – Russ George, Diane Hoppe, Steve Smith, John Swartout, Doug Young

Recreation – Doug Young, Steve Smith, Josh Penry, Eddie Kochman

Wildlife – *(this group will review the other groups' work for impacts to wildlife)* Eddie Kochman, Dave Petersen, Russ George, Josh Penry

Watershed Protection - *(this group will review the other groups' work for impacts to wildlife)* David Peterson, Joe Duda

9 Public Meetings:

November 2nd - Delta – Grand Mesa-Uncompahgre National Forest

December 9th - Durango – San Juan National Forest

January 6th – Pueblo – Pike-San Isabel National Forest

February 24th – Denver – Statewide Meeting

March 17th – Fort Collins – Arapaho-Roosevelt National Forest

May 18th – Steamboat Springs – Routt National Forest

June 7th – Monte Vista – Rio Grande National Forest

June 21st – Glenwood Springs – White River National Forest

June 22nd – Grand Junction – Grand Mesa-Uncompahgre National Forest

7 Deliberative Meetings:

February 10th – Denver

April 14th – Denver

June 8th – Monte Vista

June 22nd – Grand Junction

July 19th - Denver

August 3rd – Conference call

September 11—Conference call

3. Catalogue/index of All Materials Received and Reviewed

The catalogue of all materials received and reviewed, including outlines and an index of all written public comment received, is located in the Executive Director's Office of the Colorado Department of Natural Resources.