



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUN 21 2006

The Honorable Michael E. Easley
Governor
State of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

Dear Governor Easley:

The Secretary has considered your petition requesting the initiation of a state-specific rulemaking to address the management of inventoried roadless areas, per 36 CFR 294. This petition has been reviewed by the Roadless Area Conservation National Advisory Committee, and the Committee has provided the Secretary with their advice and recommendations.

Based upon our review of the petition and the report of the Advisory Committee, we have determined that regulatory direction is appropriate in this case and your petition is accepted. By copy of this letter I am directing the Forest Service to begin the notice and comment rulemaking process. Together we should now proceed with the following actions:

- (a) Develop a federal/state memorandum of understanding documenting the state's participation as a cooperating agency in the conduct of the appropriate level of environmental analysis required by the National Environmental Policy Act, and documentation of other appropriate duties that both parties agree to;
- (b) Coordinate the development of the proposed rule, considering the advice and recommendations of the Committee, and any further discussions between the federal and state governments;
- (c) Determine and carry out the appropriate level of environmental analysis, consultation with tribal governments, and Endangered Species Act consultation required for this rulemaking; and
- (d) If necessary, set the framework for this rulemaking to simultaneously amend the land management plans involved.

The Honorable Michael E. Easley
Page 2

It is important to recognize that the disposition of this petition is only a starting point. The proposed rule will be subject to notice and comment requirements under federal law. The Forest Service will have the responsibility to work cooperatively with the State to develop a proposal to establish regulatory direction for the management of inventoried roadless areas in the state. However, the authority for final adoption of any federal rule is reserved to the Secretary or his designee after consideration of the public comment and advice provided by the Roadless Advisory Committee.

We appreciate your cooperation and efforts to date in assisting the Department, the Forest Service, and the Advisory Committee to understand and continue to refine your proposal. I also want to add my personal appreciation for your interest in the conservation and management of inventoried roadless areas, and look forward to our continued mutual cooperation in this endeavor.

Sincerely,



MARK REY
Under Secretary
Natural Resources and Environment

Enclosure – Roadless Advisory Committee Advice to the Secretary on State Petition

cc: Dale Bosworth, Chief

Roadless Area Conservation National Advisory Committee

Committee Members

June 1st, 2006

Darin Bird
*Utah Department of
Natural Resources*

Adena Cook
BlueRibbon Coalition

Robert Cope
*Lemhi County
Commissioner, Idaho*

Jeff Eisenberg
*National Cattlemen's Beef
Association*

Paul Hansen
*Izaak Walton League of
America*

Dale Harris
*Co-Chair
Montana Wilderness
Association*

Geraldine Link
*National Ski Areas
Association*

Jim Riley
*Intermountain Forest
Association*

Greg Schaefer
*Co-Chair
National Mining
Association and Arch Coal*

Todd Schulke
*Center for Biological
Diversity*

Denny Scott
*United Brotherhood of
Carpenters*

Ray Vaughn
Wildlaw

Chris Wood
Trout Unlimited

Susan Yonts-Shepard
*Designated Federal
Officer*

The Honorable Mike Johanns
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, SW
Mail Stop Code:0108, Room 217E
Washington, DC 20250-0108

Re: Advice of the RACNAC on North Carolina Roadless Petition

Dear Mr. Secretary:

This letter represents the unanimous advice of the Roadless Area Conservation National Advisory Committee (RACNAC) to you and to Under Secretary Mark Rey on the Roadless Petition of North Carolina Governor Michael Easley under the "Special Areas; State Petitions for Inventoried Roadless Area Management," 36 C.F.R. § 294, Subpart B, issued May 13, 2005. We are required to provide you with our advice and recommendations no later than June 7, 2006

The RACNAC advises you and the Forest Service to accept the North Carolina Petition and proceed with rulemaking on the Petition. Governor Easley also asked that the North Carolina Petition be expedited as quickly as possible by the Department. We concur with that request and advise you and the Forest Service to honor that request and to proceed with this Petition as expeditiously as possible.

We also recommend and advise the following, to you and to the State of North Carolina, as this process proceeds:

- In the Memorandum of Understanding (MOU) between the State and the Department, general references to the 2001 Rule should be replaced with specific management requirements that apply to specific lands, including, but not limited to, maps, acreages, prescriptions, provisions, exceptions, and effective dates.
- In the rulemaking, the State and the Department should gather further information on and consider:
 - assessment of minerals, existing leases, valid and existing rights;
 - consideration of technical corrections on maps;

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- maintenance backlog on roads distinguishing between agency responsibilities and permit holders, and
- trend data on future demand.
- In the rule making, the State should provide data on land conversion, the identification of sprawl and loss of open space, and forest and land conservation data.
- In the rule making, the State should identify specific issues-which fish, which wildlife, and their management, etc.—apply to any particular North Carolina roadless areas.
- Consultation should occur with counties that have a large percentage of National Forest System Lands during scoping prior to rulemaking.

We also wish to express praise for North Carolina's Petition and the thoroughness and completeness of the information in the Petition.

Thank you for your consideration of our advice and recommendations on North Carolina's petition. Do not hesitate to contact us if we can be of further assistance to you with this petition.

On behalf of the RACNAC,



Dale Harris,
RACNAC Co-Chair

/S/ Greg Schaefer

Greg Schaefer,
RACNAC Co-Chair

Cc: Governor Michael Easley
Mark Rey, Under Secretary USDA
Dale Bosworth, Chief USFS
All RACNAC Committee Members