



# *COMMONWEALTH of VIRGINIA*

*Office of the Governor*

Mark R. Warner  
Governor

December 22, 2005

The Honorable Mike Johanns  
Secretary of Agriculture

The Honorable Mark Rey  
Undersecretary for Natural Resources and Environment

The Honorable Dale Bosworth  
Chief of the United States Forest Service

United States Department of Agriculture  
1400 Independence Avenue S.W.  
Washington, D.C. 20250

Dear Gentlemen:

During my administration, I have been a strong supporter of protection for the national forest inventoried roadless areas in the Commonwealth of Virginia as documented in my previous letters to Secretary Veneman, dated August 22, 2003, and July 30, 2004. In those letters, I supported the 2001 Roadless Area Conservation Rule, and I remain committed to that rule's roadless protections as a balanced approach that provides strong protection for roadless areas while still allowing any necessary roadbuilding or logging activities.

In my July 2004 letter, I raised concerns with the rule that was ultimately adopted May 13, 2005. I continue to believe that this rule places an unnecessary burden on states to carry out the job that USDA should be responsible for executing on a national basis.

In order to secure protection for Virginia's roadless areas, I am submitting the attached petition, pursuant to the May 2005 rule, for full roadless area protection in accordance with the 2001 Roadless Areas Conservation Rule. Given the broad public support for roadless protection in Virginia, the lengthy analysis undertaken by the Forest Service in developing the 2001 Rule, our review thereof

and independent analysis of the relevant issues, and following consultation with a wide array of stakeholders, I urge you to join us in working to protect the Commonwealth's roadless areas.

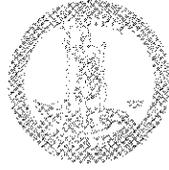
I appreciate your prompt consideration of the attached petition and look forward to your response in the near term.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr. R. Warner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent. The signature is positioned above the printed name "Mark R. Warner".

Mark R. Warner

c: The Honorable Phil Bredesen  
The Honorable Michael F. Easley  
The Honorable Sonny Perdue  
The Honorable Bob Riley  
The Honorable Mark Sanford



# COMMONWEALTH of VIRGINIA

Office of the Governor

Mark R. Warner  
Governor

December 22, 2005

**Petition of the Governor of Virginia to the U.S. Secretary of  
Agriculture for Protection of National Forest System Inventoried  
Roadless Areas in the Commonwealth of Virginia  
(pursuant to 36 C.F.R. §§ 294.10-294.18, effective 5/13/05)**

As Governor of the Commonwealth of Virginia, I hereby petition the U.S. Secretary of Agriculture, pursuant to 36 C.F.R. §§ 294.10-294.18, to promulgate a regulation protecting all the National Forest System inventoried roadless areas in the Commonwealth in accordance with the provisions of the 2001 Roadless Area Conservation Rule, published on January 12, 2001 at 66 Fed. Reg. 3244-3273. Whereas these inventoried roadless areas provide important recreation and tourism opportunities, clean water, wildlife habitat, and scenic beauty in western Virginia; and whereas the citizens of Virginia and state officials with relevant expertise support protecting these areas in their current roadless, undeveloped state, I have determined that it is in the best interests of the Commonwealth to have these areas protected for current and future generations. While I have supported and still support the national 2001 Roadless Area Conservation Rule, I find it necessary to take this step to ensure our roadless areas remain fully protected. I urge the Secretary of Agriculture to expedite consideration of this petition so as to provide full protection at the earliest possible date.

The following paragraphs provide the information requested in 36 C.F.R. § 294.14, thereby establishing the need for a rule providing full protection for all of the Commonwealth's inventoried roadless areas:

- 1. Location and Description of Lands** – All inventoried roadless areas identified by the U.S. Forest Service in their inventory of roadless lands within the Commonwealth of Virginia in the Jefferson National Forest and the George Washington National Forest. These lands are shown on maps in the Final Roadless Area Conservation Rule EIS (FEIS Vol. 2, November 2000) and described in Appendix C of the Final Environmental Impact Statement for the Revised Land and Resource Management Plan for the Jefferson National Forest (2004) and in Appendix C of the Final Environmental Impact Statement for the Revised Land and Resource Management Plan for the George Washington National Forest (1993). Also, attached is a GIS map of the Public Land Treasures of Virginia that shows all national forest inventoried roadless areas and their names. This petition does not cover portions of three areas

that overlap into West Virginia (which should nevertheless be protected by the Forest Service).

2. **Management Requirements** – We request that these inventoried roadless areas be managed in accordance with the requirements set forth in the Roadless Area Conservation Rule published January 12, 2001, 36 C.F.R. §§ 294.10 - 294.14, 66 Federal Register 3272-3273. The 2001 Rule and its preamble (66 Fed. Reg. 3244-3271, 1/12/2001) should be incorporated into the new Virginia rule, and are incorporated into this petition by reference.

3. **Circumstances and Needs Addressed by the Petition** –

- a. **Conserving Roadless Area Values** – The general prohibition on new road construction in these inventoried roadless areas and the restrictions on commercial timber harvests provided in paragraph 2 above would conserve roadless area values and characteristics and maintain those values over the long term.

Roadless areas play a vital role in helping to meet the growing recreation demands on national forests. Nowhere is this role more evident than in the Southeast, where a growing population competes to use dwindling backcountry resources. Only 15% of Southern Appalachian national forest land (22% in Virginia) still qualifies as roadless (well below the national average of 31%), yet our forests are within a day's drive of over half of the U.S. population. Roadless areas are a vital commodity in these forests where "people pressure" is a main management issue. The Forest Service projects that demand for backcountry recreation will increase by 171% by 2050. Jefferson National Forest Revised Plan EIS at 306-307. This type of recreation has by far the largest projected demand increase.

- b. **Human Health and Safety** – The essence of the paragraph 2 requirements is to prohibit new road construction but maintain access and use of existing roads at the status quo level. Under paragraph 2, new roads can be constructed to protect public health and safety. Furthermore, fuel reduction timber harvesting can occur to reduce the risk of uncharacteristic wildfire effects. In addition, national forest lands are the single largest source of drinking water for Americans. Here in the Southern Appalachians, many towns and cities rely at least in part on Forest Service lands, including pristine roadless areas, to safeguard the watersheds of their drinking supplies. For example, roadless areas help supply clean drinking water to Harrisonburg, VA (Skidmore and Gum Run roadless areas) and Pulaski, VA (Little Walker roadless area) among others. Numerous studies have documented the economic value of protected watersheds.
- c. **Reducing Hazardous Fuels and Restoring Essential Wildlife Habitats** – Hazardous fuels are addressed in subparagraph b. above. Paragraph 2 above (which incorporates the text and the preamble of the 2001 Rule ) allows maintenance of existing wildlife openings and prescribed fire including fire line construction for

its control. (66 Fed. Reg. at 3258). Furthermore, paragraph 2 allows timber cutting to improve threatened, endangered, proposed or sensitive species habitat, thus addressing any need to restore essential wildlife habitats.

- d. Access to Facilities and Private Property – Paragraph 2’s requirements do not close existing roads. Access is maintained at the status quo level. Furthermore, a road can be constructed, in accordance with the regulatory procedures for obtaining access, if it is needed to access reserved or outstanding private rights.
- e. Existing Roaded Areas – Inventoried roadless areas in the East can have up to 1/2 mile of road per 1,000 acres and still meet inventory requirements. There are no areas within Virginia’s roadless inventory that have been altered by construction of a new road (after inventory in the most recent forest planning process) to the degree that they need to be removed from the roadless inventory.
- f. Economic and fiscal impact – Economic reasons for prohibiting development activities in roadless areas far outweigh arguments against such a ban. In the Southern Appalachians, prohibiting commercial timber harvesting in roadless areas will have only a very slight, almost imperceptible, impact on timber interests. Only about 2% of the region’s timber comes from the national forests in the first place, and only 15% of those public forests are roadless areas, meaning that the effects on regional timber harvest levels from prohibiting commercial logging in roadless areas would be negligible. In addition, no logging has been occurring in roadless areas since 1998 and little effect has been seen in the timber industry.

The preamble to the 2001 Roadless Rule makes a strong case as to the fiscal benefits of a prohibition on roadbuilding in roadless areas. The agency notes that there is an existing backlog of about \$8.4 billion (now \$10 billion) in deferred maintenance on the more than 386,000 miles of roads in the national forests. 66 Fed. Reg. at 3245. The Forest Service further states:

“The agency receives less than 20% of the funds needed annually to maintain the existing road infrastructure. As funding needs remain unmet, the cost of fixing deteriorating roads increases exponentially every year. Failure to maintain existing roads can also lead to erosion and water quality degradation and other environmental problems and potential threats to human safety. It makes little fiscal or environmental sense to build additional roads in inventoried roadless areas that have irretrievable values at risk when the agency is struggling to maintain its existing extensive road system.”

66 Fed. Reg. at 3246.

The Forest Service also notes that many timber sales in inventoried roadless areas are likely to cost more than the revenues received. Furthermore, road construction costs in roadless areas are often higher due to rugged terrain or sensitive ecological factors. *Id.* There are already 3000 miles of roads dissecting Virginia's national forest. This is ample road mileage to meet the multiple use needs of the forests.

4. **Management Differences from Existing Land and Resource Management Plans** -

The roadless area management requirements in paragraph 2 are clear in prohibiting new roadbuilding and commercial timber harvesting in inventoried roadless areas except in certain specified circumstances. Under the Revised Jefferson National Forest Management Plan, 31,693 acres of roadless areas are open to permanent road construction. In addition, 79% of the Jefferson roadless areas, or 120,895 acres, are open to large tree logging that is not allowed under the 2001 Roadless Rule. Thus, the continuation of the 2001 Rule requirements as requested in paragraph 2 would restrict roadbuilding and logging in the aforementioned areas except in the limited circumstances detailed.

Under the George Washington National Forest Management Plan, 77% of the inventoried roadless areas, 192,000 acres out of 250,000 acres, are open to new road construction that would not be allowed under the 2001 Roadless Rule. Generally, in these same areas, commercial timber harvesting of large trees can occur for salvage and other purposes not permitted under paragraph 2's restrictions. Thus, implementation of paragraph 2's provisions would limit the potential for new roadbuilding and commercial logging in the George Washington's inventoried roadless areas.

It is worth noting that because of the process leading up to the 2001 adoption of the Roadless Conservation Rule, roadbuilding and commercial timber harvesting have not been occurring in roadless areas on the George Washington or Jefferson over the last eight years.

5. **Comparison to Existing State Land Conservation Policies** – Management of roadless areas in accordance with paragraph 2 is consistent with the Virginia Outdoors Plan which promotes recreation, conservation and the provision of wildlife habitat for Virginia's citizens. As noted in the Outdoors Plan, the national forests are the largest supplier of primitive, backcountry recreation opportunities in Virginia. VOP at 110. Local land use plans do not cover management of federal lands, so no inconsistencies with local plans are expected.
6. **Effect on Fish and Wildlife** – Fish and wildlife would benefit from the management requirements provided in paragraph 2. Fish populations would benefit from the prevention of the sedimentation effects resulting from road construction and subsequent road management without an adequate maintenance budget. The Forest Service currently has a \$10 billion backlog on road maintenance (approx. \$20 million

in VA). Road maintenance on classified roads is permissible in inventoried roadless areas under paragraph 2. Thus any existing roads can be maintained, and the agency will not have the burden of trying to maintain new roads in these remote areas.

The limitations on commercial timber harvesting will benefit wildlife species that thrive in larger blocks of mature forests. National forests are one of the few places where we can provide this very important habitat. As noted above, timber harvesting can be done, if necessary, to improve habitat for threatened, endangered, proposed or sensitive species. Inventoried roadless lands constitute approximately 22% of the national forests in Virginia and much of the rest of the national forests is open to timber harvesting that may benefit certain game species. In addition, existing wildlife openings in roadless areas can continue to be maintained under paragraph 2 (see preamble to the 2001 Roadless Rule, 66 Fed. Reg. 3257). On October 15, 2004, the Environmental Services Section Biologist of the Department of Game and Inland Fisheries (DGIF), Andrew K. Zadnik, urged “full and permanent protection of the roadless areas in Virginia” in supporting the November 12, 2004 VA Department of Environmental Quality (DEQ) comments on the state petition rule proposal. The Virginia Comprehensive Wildlife Conservation Strategy recently developed by DGIF notes the decline of many species due to the fragmentation of habitat. The strategy calls for protecting wild lands, maintaining large habitat patches, and conserving existing mature stands as tactics for addressing species decline. Protecting roadless areas furthers the goals of this wildlife strategy.

7. **Agency Consultation and Public Involvement Efforts** – The Governor, his Secretary of Agriculture and Forestry, and his Secretary of Natural Resources, through DEQ, have consulted with the DGIF, Department of Conservation and Recreation (DCR), Department of Forestry (DOF), Department of Historic Resources (DHR), representatives of the George Washington and Jefferson National Forests, and representatives of the forestry industry in the Commonwealth to gain input regarding fish and wildlife biology, fish and wildlife management, forest management and outdoor recreation. This consultation began in the fall of 2004, included the November 12, 2004, DEQ comments on the state petition process, and continued through 2005. In addition, the Governor’s staff has worked with the Secretary of Agriculture and Forestry and the Secretary of Natural Resources and their relevant agencies in developing this petition.

Furthermore, the Governor is aware that county boards of supervisors in four counties with extensive national forest land have formally endorsed congressional wilderness and scenic area designations for roadless areas in their counties, which designations are more protective than the restrictions provided in paragraph 2. In addition, as of November 2004, the U.S. Forest Service had received approximately 90,000 comments from Virginia asking that roadless areas be fully protected. On June 23, 2004, more than 70 Virginia businesses, along with other interests, sent the President a letter asking for full roadless protection in Virginia consistent with the 2001 Roadless Area Conservation Rule. As the 2001 Rule was developed in 1999 and

2000, the Forest Service held three public meetings in Roanoke, Virginia to provide information and receive input from the public.

8. **Cooperating Agency** – The State is willing to participate as a cooperating agency in the environmental analysis for a state specific rulemaking that seeks paragraph 2 level protection for all of Virginia's inventoried roadless areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Warner". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark R. Warner

**Attachments:**

August 22, 2003 Letter to Secretary Veneman

July 30, 2004 Letter to Secretary Veneman

GIS map of the Public Land Treasures of Virginia (Inventoried Roadless Areas)



# COMMONWEALTH of VIRGINIA

Office of the Governor

August 22, 2003

Mark R. Warner  
Governor

Secretary Ann Veneman  
Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

Re: National Forest Roadless Area Conservation Rule

Dear Secretary Veneman:

We are writing to express our support for conserving the roadless areas of our national forests in Virginia and across the nation. The Roadless Area Conservation Rule was adopted in 2001 protecting nearly 400,000 acres of roadless areas in Virginia. More than 45,000 comments in support of the rule were submitted by citizens of the Commonwealth, an unprecedented outpouring of public support.

The balanced rule protects the status quo by generally restricting road building and commercial logging. However, the rule allows for new roads needed to protect public health and safety in cases of fire or flood and for accessing private property or existing oil and gas leases. The rule does not close any existing roads or limit access for hunting, fishing, camping and other recreational activities.

In June, Senator John Warner of Virginia and Senator Cantwell of Washington introduced the Roadless Area Conservation Act of 2003. We support this legislation that would codify this important conservation measure. The legislation, like the rule, provides a balanced approach assuring conservation of roadless areas while still allowing exemptions for necessary road building or harvesting activities.

We understand the administration is planning to propose state-by-state exemptions to the National Roadless Area Conservation Rule. We believe that approach is unnecessary given the current rule's reasonable exemptions. Such an approach would undermine the important national rule necessary to insure the conservation of roadless areas for the use of present and future generations.

We thank you for your careful consideration of our position on this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Warner".

Mark R. Warner

cc:

Senator John Warner  
United States Senate  
Washington, DC 20510

Dale Bosworth, Forest Service Chief  
U.S. Forest Service, U.S. Dept. of Agriculture  
P.O. Box 96090  
Washington, DC 20090-6090



# COMMONWEALTH of VIRGINIA

Office of the Governor

Mark R. Warner  
Governor

July 30, 2004

Secretary Ann Veneman  
Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Re: Roadless Area Proposal of 7/12/04

Dear Secretary Veneman:

As you know, I have been a strong supporter of protection of roadless areas, including 387,000 acres here in the Commonwealth's national forests. I have supported the 2001 Roadless Area Conservation Rule and the legislation introduced by Senator John Warner that would codify the 2001 rule. I believe the federal government should carry out its responsibility to protect our last remaining roadless areas.

Your July 12th proposal to require a state to file a petition to seek protection of roadless areas in its national forests is unduly burdensome on the states and appears unlikely to ensure protection of these valuable public lands. I urge you to withdraw your proposal and reinstate the Roadless Areas Conservation Rule of 2001.

While we appreciate your attempt to allow states greater input in these decisions, your rule confirms that the U.S. Forest Service has the final say over management of these lands. The proposed rule would burden this state and others with taking the time, resources and effort to seek protection of these critical areas when the decision still properly rests with your Department, which has already undertaken a 3 year process concluding that roadless areas should be protected.

The people of the Commonwealth want their national forest roadless areas protected. More than 45,000 comments from Virginia have been filed in support of roadless area protection. These areas are critical for their scenic beauty, clean water, wildlife habitat, and many recreation opportunities. They are also vital to the long term protection of our natural heritage for future generations. Finally, building roads in these remote areas is fiscally irresponsible, especially when Virginia's national forests already

Secretary Ann Veneman  
July 30, 2004  
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have 3000 miles of roads and the agency does not have to budget to maintain those existing roads.

I urge you to provide full protection for roadless areas pursuant to the Roadless Area Conservation Rule of 2001. I look forward to your response.

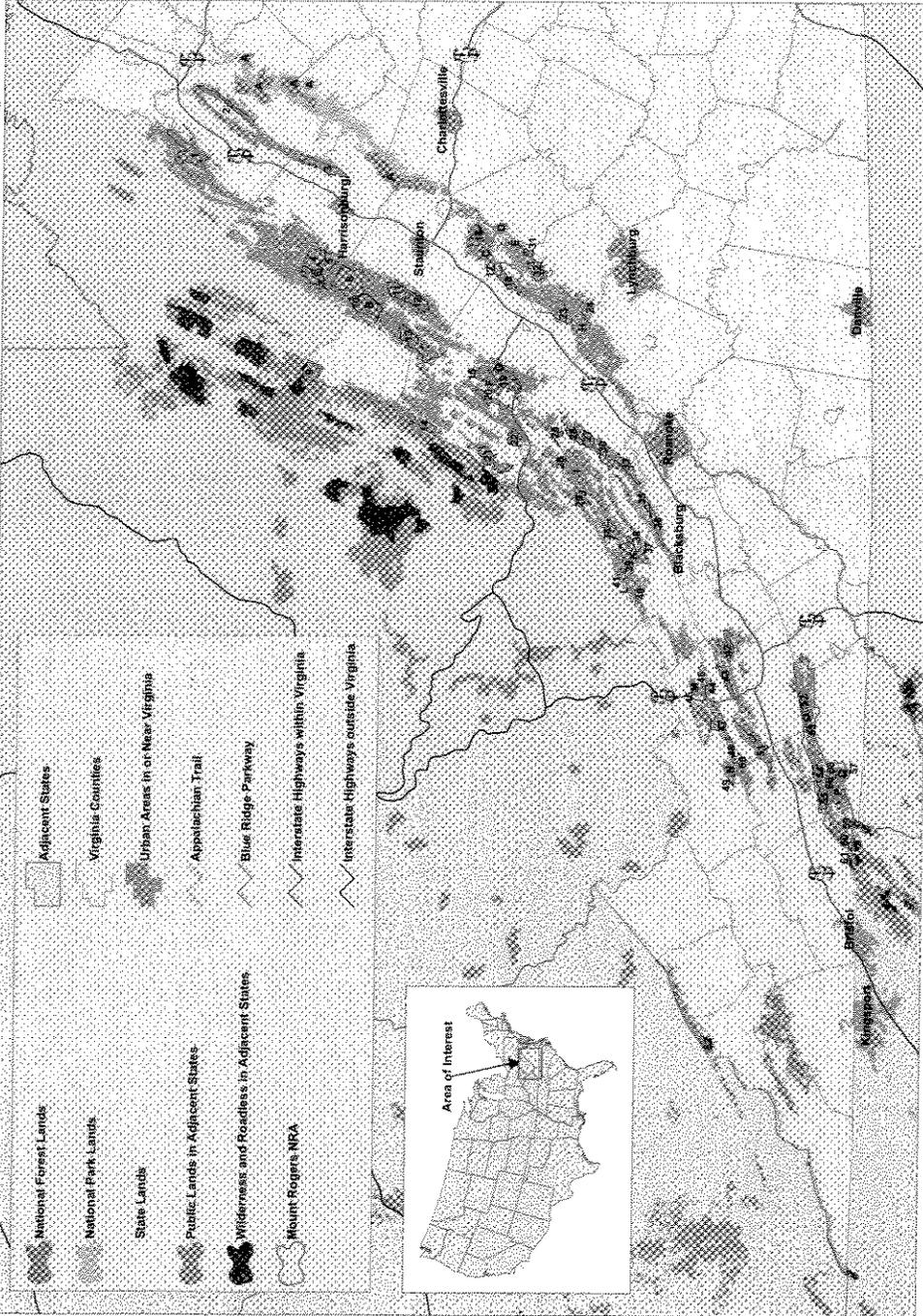
Sincerely,



Mark R. Warner

c: Governor Mike Easley  
Governor Phil Bredesen  
Governor Mark Sanford  
Governor Sonny Perdue  
Governor Bob Riley

# Public Land Treasures of Virginia



## Designated Wilderness Areas

### National Park Wilderness

- A Shenandoah National Park

### National Forest Wilderness

- B Ramsey Draft (8,518) \*\*
- C SL Mine (9,835) \*\*
- D Three Sisters (7,749) \*\*
- E The Peak (5,742) \*\*
- G South Mountain (9,300) \*\*
- H Rich Hill (6,459) \*\*
- I Lewis River (8,986) \*\*
- J Bayona Creek (5,352) \*\*
- K Shawners Run (3,487) \*\*
- L Mountain Lake (11,113) \*\*
- M Peters Mountain (3,329) \*\*
- N Kimbrell Creek (5,542) \*\*
- O Seaborn (5,699) \*\*
- P Little Dry Run (2,558) \*\*
- Q Lewis Fork (6,638) \*\*
- R Little Wilson Creek (3,913) \*\*

Source: Washington National Forest

## Currently Designated Wilderness in Virginia's National Forests (WV portions of NF Included)

Total NF Acres	Wilderness Acres	Percent in Wilderness
1,785,784 acres	100,434	5.6%

## Inventory Roadless Areas

- 1 Big Schloss (20,522) \*\*
- 2 Reppert-Masonville (9,443) \*\*
- 3 Chimney Rock (19,970) \*\*
- 4 Oak Knob (10,687) \*\*
- 5 Dry River (7,332) \*\*
- 6 Little Star (27,293) \*\*
- 7 Laurel Fork (9,658) \*\*
- 8 Ramsey Draft Addition (12,780) \*\*
- 9 Elk Knob (9,379) \*\*
- 10 Elk Knob (9,379) \*\*
- 11 Elk Knob (9,379) \*\*
- 12 Elk Knob (9,379) \*\*
- 13 Elk Knob (9,379) \*\*
- 14 Little Allegheny (10,214) \*\*
- 15 Rough Mountain Addition (11,421) \*\*
- 16 Bailey Mountain (7,634) \*\*
- 17 St. Marys Addition (14,851) \*\*
- 18 Adams Peak (7,732) \*\*
- 19 Mt. Lebanon (10,930) \*\*
- 20 Three Sisters (8,659) \*\*
- 21 Dolly Am (7,854) (10,936) \*\*
- 22 Hoop Hole (7,961) \*\*
- 23 James River Face Addition (12,284) \*\*
- 24 Patreton Mountain (4,942) \*\*
- 25 Price Mountain (9,030) \*\*
- 26 Barbour Creek Addition (6,800) \*\*
- 27 Shawners Run Addition (20,581) \*\*
- 28 Broad Run (10,994) \*\*
- 29 The Pines (20,335) \*\*
- 30 Mt. Pleasant National Scenic Area (8,940) \*\*
- 31 North Mountain (8,494) \*\*
- 32 Mottershead (6,321) \*\*
- 33 Acadia (6,994) (4,957) \*\*
- 34 Mt. Lake Addition A (14,451) \*\*
- 35 Mt. Lake Addition B (14,451) \*\*
- 36 Little Walker Mountain (9,763) \*\*
- 37 Long Star (7,211) \*\*
- 38 Busy Mountain (4,185) \*\*
- 39 Kimbrell Creek Addition A (861) \*\*
- 40 Kimbrell Creek Addition B (1,951) \*\*
- 41 Hunting Camp/Little Wolf Creek (8,932) \*\*
- 42 Garden Mountain (3,945) \*\*
- 43 Beartown Addition A (3,131) \*\*
- 44 Bear Creek (18,253) \*\*
- 45 Little Dry Run Addition (2,164) \*\*
- 46 Pleasant Branch (4,437) \*\*
- 47 Lewis Fork Addition (5,035) (7,221) \*\*
- 48 Little Wilson Creek Addition A (4,690) \*\*
- 49 Little Wilson Creek Addition B (17,015) \*\*
- 50 Rogers Ridge (18,111) \*\*
- 51 London Bridge Branch (7,981) \*\*
- 52 Beaver Dam Creek (10,721) \*\*
- 53 North Fork of the Pound (4,786) \*\*

\*\* WV portion of larger \*\* wilderness area

\*\* Addition National Forest

**National Forest Inventoried Roadless Areas in Virginia's National Forests (includes WV portions): 413,587 acres**