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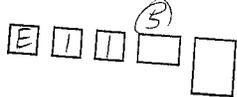
PETE HOEKSTRA
SECOND DISTRICT
MICHIGAN
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106th Congress
Congress of the United States
House of Representatives

COMMITTEES
EDUCATION AND THE WORKFORCE
COMMITTEE
CONSUMER QUALITY AND
INVESTIGATIONS SUBCOMMITTEE
BUDGET COMMITTEE

July 17, 2000

USDA Forest Service-CAET
Attention: Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, Utah 84122



Dear Project Team Leader

The Second Congressional District of Michigan includes large portions of the Huron-Manistee National Forest System. Over the past several months, many of my constituents have expressed concern about the Roadless Area Conservation Proposed Rule and its potential impact on the Manistee National Forest. During that time, I have encouraged participation in the public meetings and even facilitated an additional meeting in closer proximity to the affected areas in my district. Throughout this time, I have carefully considered the proposal and formulated my opinion on the initiative.

The proposed rule includes 8,000 acres in the Huron-Manistee, for protection that were inventoried as roadless under the Forest Service's Roadless Review and Evaluation (RARE II) process. What the proposal does not include is the nearly 50,000 acres that are unroaded in the Huron-Manistee system and will now be subject to Forest Service scrutiny and possible roadless conditions. This represents a misconception of the potential impact this rule will have on my district.

Applying the same environmental review standard for other potential roadless areas in the Huron-Manistee as would be applied in Utah or Idaho circumvents local forest planning. Such a broad-stroke, one-size-fits-all policy issued from Washington, DC, does little to take into account the different ecosystems within each national forest. Local forest supervisors, with extensive public participation, have spent years developing forest management plans to responsibly maintain the forest system. This rule supersedes the years that have been spent carefully developing these plans and takes away the decision-making authority of local forest supervisors. Any future local Forest Service planning will be restrained by these regulations and, furthermore, be delayed or appealed based on the roadless regulations.

I recommend shifting the focus of this initiative into revisions to the local Forest Service plans and returning decision-making to the local forest supervisor with appropriate public involvement. Substantial long-term gains for each forest system will be served much better by focusing on the local forest plans and developing the necessary data for future roadless decisions.

Another aspect of the roadless initiative is the implication involved in restricting access on 54 million acres of public land. The roadless initiative will dramatically reduce public access to the national forest



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system and will make much of the forest inaccessible for timber harvest. Timber harvest done responsibly is an effective forest management tool. Shutting out thousands of acres from active management practices will result in uncontrollable wildfires and declining forest health. The Huron-Manistee system over the last several years has decreased timber sales dramatically. I believe this rule will severely curtail future timber sales within the Huron-Manistee National Forest. This not only effects the economic livelihood of many of my constituents, but will also jeopardize the long-term, sustainable health of the forest system.

The No Action Alternative is the preferred alternative for the Roadless Area Conservation Proposed Rule.

Sincerely,

Pete Hoekstra
Member of Congress

cc: Michael Dombeck, Chief, U.S. Forest Service

LYNN N. RIVERS
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UNITED STATES
HOUSE OF REPRESENTATIVES

April 4, 2000

Mr. Michael Dombeck
Chief of Staff
US Forest Service
PO Box 96090
Washington, D.C. 20090

E 1 2 5 yes

Dear Chief Dombeck:

I am writing to urge you to adopt a strong policy to protect roadless areas in our national forests.

My constituents place a high premium on these wild areas. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out every year.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Michigan is fortunate to have some of this nation's most impressive national forests. The Huron-Mannistee National Forest, the Ottawa National Forest, and the Hiawatha National Forest contain many pristine areas currently threatened by commercial development. Protecting these remaining roadless areas for future generations is important to the future economic and environmental well-being of Michigan.

Roadless areas provide unique habitat for many wildlife species of great recreational, commercial, and cultural value. Deer, fox, snowshoe hare, bald eagles, bear, coyotes, loons, and songbirds are just some of the incredible variety of wildlife that reside in Michigan's national forests. Our remaining pristine wildlands provide a unique and ever diminishing refuge for animals and humans alike. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. Protecting these areas will lead to more public wealth than using them for extractive purposes.

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Roadless
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COMMITTEE ON SCIENCE

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I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all of the national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Lynn N. Rivers
Lynn N. Rivers

LNR\mh

2814

Roadless
COMMITTEE
COMMERCE
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HEALTH AND THE ENVIRONMENT
FINANCE AND
HAZARDOUS MATERIALS
OVERSIGHT AND
INVESTIGATIONS
CO-CHAIRMAN,
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Congress of the United States
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May 11, 2000

Mike Dombeck
Chief
Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250

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towns viable.

When the Forest Service misinterprets the composition, goals, and concerns of people in the timber industry, it mars the entire development of the roadless initiative. Forestry workers will be greatly impacted by the roadless initiative and it is necessary to understand who holds these positions and how they regard their work

I am dismayed that the Forest Service would include such elitist and divisive comments in its DEIS. Clearly, the DEIS was not carefully reviewed and edited and I think it is appropriate to have such unfair statements removed from the final draft. Moreover, the Forest Service should issue a public apology to avoid undermining an already tenuous relationship between the Forest Service and those most affected by the roadless initiative.

Dear Chief Dombeck:

I am writing to express my displeasure with the tone conveyed in portions of the Roadless Area Conservation Draft Environmental Impact Statement (DEIS). These condescending and ignorant statements are disrespectful. I demand that this text be struck from the final EIS and that a public apology be issued to the forestry workers of this country.

Sincerely,

BART STUPAK
Member of Congress

BTS/stw

Specifically, the *Social Effects Related to Timber Harvest* section (page 3-190) displays a patronizing attitude toward forestry workers and the communities where they reside. It states that "if Forest Service timber management policies are consistent and reliable" then forestry workers and their communities would "adjust." It is grossly arrogant to imply that forestry workers would prefer any "reliable" Forest Service policies over their job security. These workers depend on timber harvesting for their economic stability and to remove such jobs would only exacerbate the conditions that plague some of their communities.

The Forest Service carelessly dabbles in "pop" psychology by characterizing forestry workers as uneducated, unstable, and unmotivated. It states that "many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education." Such a poorly referenced statement is particularly offensive. Many forestry workers may have college degrees but are natives of the area who prefer to live and raise their families in their hometowns while working in a profession shared by their parents. If it is true, as described in the text, that "timber dependent communities are among the least prosperous," can the residents of that area be faulted for turning to forestry jobs that pay "high wages?"

The thrust of page 3-190 tries to convince forestry workers, their families, and policymakers that timber related professions should be abandoned because of their inherent risk and lack of job security. It implies that given these conditions, everyone affected by the roadless initiative should naturally agree with Forest Service objectives. We can be certain that all forestry workers are well aware of the dangers associated with their work and are trained to minimize harm. They are aware of the uncertainty of their job security, but steadfastly remain committed to their work and providing for their families. Finally, they are aware of the economic problems facing some of their communities, which only motivates them to try to preserve their jobs and keep their

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Comments of Congressman Bart Stupak, June 1, 2000

First, let me compliment the Ottawa National Forest Supervisor, Phyllis Green, and her team for their decision to not enforce the "closed unless posted open" Non-motorized Zone policy on 61,000 acres under the current Land Management Plan. This policy was part of the 1986 Forest Plan. To now implement this controversial policy after all these years would not make sense. I appreciated the opportunity to candidly discuss and to urge them not to implement this local forest policy. The Ottawa officials listened to my concerns and all the comments received from the citizens that use the Ottawa National Forest - from hunters, hikers and bird watchers, to men and women in the timber industry. I thank them for listening and standing up for our local concerns.

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I firmly believe and continue to fight for National Forest policies which reflect the desires, needs and wishes of the local communities which the National Forests serve on a daily basis. It is imperative for all of us to work together to preserve and protect this valuable natural resource for this and future generations. I believe this can only be accomplished by working together and not by restricting access to anyone.

Unfortunately, this cooperation is not occurring throughout the country. A national policy is being pushed without local input and it does not reflect the needs of the local communities which are near the National Forest. We rely on the National Forest for recreation, hunting, and personal enjoyment. We depend on the National Forest to support our economy and sustain the environment.

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The current Draft Environmental Impact Statement (DEIS) on the National Roadless Initiative is an example of how Washington does not know best. While it is an improvement from the original proposal, the DEIS is still flawed. While having the one large tract of land, 7200 acres, become a roadless area makes some sense here on the Hiawatha, the remaining "unroaded areas" remain a mystery. Criteria used to determine which parcels and what "uses" will be allowed remain unclear. When I asked National Forest Service officials in Washington to identify these "unroaded tracts", these officials stated that the local forestry folks have them mapped. While the local forestry staff may know which tracts comprise the "unroaded areas", Washington bureaucrats are not relinquishing sufficient decision-making authority to the local forestry officials.

One cannot review the DEIS without also taking into account the proposed National Road Management Strategy. My position is based not only on what is found in the DEIS, but also on how the DEIS will be impacted by the proposed Road Management Policy, which is being developed under the rule-making authority of the National Forest Service in Washington. The new road policy will define what types of access and "uses" we all will have - to, through, and in our National Forests. This is Washington officials telling us how to access, live in, enjoy, and travel in and through our National Forest. For instance, temporary roads that we currently rely on for harvesting timber will not, for all practical purposes, be allowed under the new Road Policy. If a local Forest Supervisor would like to allow a temporary road for timber harvesting, fire protection or whatever reason, the plan to build such a road would have to be

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accompanied by an Environmental Impact Statement (EIS). The EIS process is cost prohibitive within the local Forest's budget and it would likely be a prime source of litigation to prevent the building of even a temporary road.

The development of this National Road Management Policy in Washington, DC, ignores the needs, wishes and concerns of the local communities. This informational meeting and the DEIS report do not reflect this fact !

In fact, the DEIS reflects the arrogant and condescending attitude of the National Forest Service leadership to our local communities when, on page 3-190, the DEIS refers to the hard working men and women of the timber industry as uneducated, unstable, and unmotivated. While Forest Service Chief Mike Dombeck has apologized for these comments appearing in the DEIS, and promises they will be stricken from the Final, it does

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little to assure us that the bias contained in these erroneous statements is not embedded in the entire document.

Each year in Washington, as we do the appropriations bill for the Forest Service, there is always an amendment to prohibit roads from being built in the National Forests. Each year, through my leadership and efforts, my colleagues and I have been able to defeat these ill-conceived amendments. Now, we see that what could not be achieved through the legislative process, may be accomplished through the "back door" approach of agency rule making. This administrative approach is being driven by Washington officials with little input from local forestry officials as to our local community and National Forest needs.

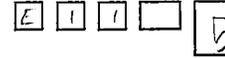
While this informational meeting has been a good way to explain the DEIS, it falls short of explaining to all these good

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Comments on Forest Service Roadless Area DEIS
Bart Stupak, Member of Congress

June 28, 2000

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people here in our communities what will happen when this DEIS is implemented in the context of the new National Road Management Policy.

The DEIS standing alone, improved with local input and locally implemented, could be made workable. But combined with the over-lapping, over-reaching National Road Management Policy, the DEIS is a disaster !

I will continue to fight its implementation with every possible means available to me, as an individual and as a member of the United States Congress.

I want to express my concerns about the Forest Service Roadless Area Environmental Impact Statement (DEIS) under the Proposed Rules published May 11, 2000.

This is a bold attempt by the Forest Service to establish wilderness areas, and only Congress can establish Wilderness areas.

The DEIS does not clearly establish the purpose and need for more permanent roadless areas in northern Michigan. We do not need more roadless areas in northern Michigan. If National Forests in other regions of the country have environmental problems, then those problems should be addressed, but not with a "one-size-fits-all" policy covering all National Forests. Management decisions for the National Forests in northern Michigan should be made in the local communities they serve, not in Washington D.C.

On March 14, 2000, I testified at the House Resources Subcommittee on Forests and Forest Health hearing, where I questioned Forest Service Chief, Mike Dombeck. I emphasized that it is difficult to understand and comment on the Roadless Initiative, because it does not disclose the locations of the many "other unroaded areas."

On June 9, I met with White House representatives and top Forest Service officials to press for revisions in the roadless and road management proposals. The meeting was positive, with assurances that significant changes in the rule could be expected, especially regarding the use of temporary roads and the requirement for costly environmental analyses under the road management rule.

During an extended debate on the House floor on June 14, I outlined my concerns about the Roadless Initiative and Road Management policy proposals and how these two would work together to effectively halt road construction in our National Forests. Although I was prepared to introduce a limitation Amendment to the Fiscal Year 2001 Interior Appropriations Bill, I was persuaded by other Members, as well as information and advice I received from timber industry associations, that my Amendment would only serve to alienate many on both sides of the aisle who might be able to help us later with a more effective strategy. I am prepared to ask Senate and the conference committee for language which requires the Forest Service to identify and allow time for comment on the "other unroaded areas" before a Roadless Initiative Policy is finalized. Further, to allow that local decision-making on roads, especially temporary roads, be made at the local level.

06/28/00 WED 13:55 FAX 202 225 4744

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Congress of the United States
House of Representatives
Washington, DC 20515-2201

13982 COMMITTEE ON COMMERCE
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HEALTH AND THE ENVIRONMENT
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CO-CHAIRMAN, CONGRESSIONAL LAW ENFORCEMENT CAUCUS
REGIONAL WHIP

July 10, 2000

MR MIKE DOMBECK
USDA - FOREST SERVICE
PO BOX 96090
WASHINGTON D.C. 20090-6090



PACT RECEIVED
JUL 17 2000

Dear Mr Dombek:

I am writing to express my concerns about the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) and Proposed Rules published May 11, 2000.

Communities in the First Congressional District of Michigan, the region I represent in Congress, depend heavily on the Ottawa and Hiawatha National Forests for their economic vitality. Company closures and lost jobs are still common in the Upper Peninsula. I am concerned that the Roadless Initiative would have a negative economic impact on the hardworking constituents in my district.

It is a fundamental principle of federal land ownership that people are allowed onto the public lands unless there is a clear need for restriction. The Roadless Initiative denies full public participation and free access to National Forest lands. I am concerned that the Roadless Initiative would deny continued reasonable public access to public lands.

The Roadless Initiative is an attempt to establish new wilderness areas. Wilderness designation is the role of Congress, not the Forest Service.

I always considered decentralized decision-making a strength of Forest Service management. The Washington Office has traditionally relied on competent line officers in the field who are more in touch with local concerns and resource situations. Unfortunately, these new national policy proposals break that tradition. I would like to see decision-making authority returned to the supervisor of each National Forest, guided by the local Forest Plan.

The Roadless Initiative superimposes a national policy over existing Forest Plans and disturbs the good relations between the National Forests and communities they serve. Major land use decisions should be developed locally with full public participation during the regular Forest Plan revision process. The Roadless Initiative disturbs many of my constituents who were involved in completing Forest Plans in northern Michigan in 1986. It is extremely unwise and untimely for officials in Washington D.C. to arbitrarily break these agreements and unilaterally change land use designations before the scheduled Forest Plan revision process has taken place.

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Volume 4 - Letters from Agencies and Elected Officials

Roadless Area Conservation

In a separate letter to Chief Dombek, I expressed my concern about the arrogant attitude displayed in statements on p. 3-190 of the DEIS, and what this reveals about the quality of oversight applied to preparation of the document. These offensive and condescending statements must be purged from the final document.

The DEIS does not adequately discuss how the two new Forest Service policies, the Roadless Initiative and the Road Management Rule, would work together to effectively halt road construction and reconstruction on the National Forests. The way these two policies work together is not adequately explained in the DEIS.

In conclusion, I want reasonable, continued public access to National Forests lands. I cannot support unnecessary restrictions being imposed on the construction of forest roads. These land use decisions should be debated and developed locally with full public participation during the regular forest plan revision process. It would be extremely untimely and unwise for the Forest Service to close any of our roads, and temporary roads must be allowed.

I am currently preparing a set of formal detailed comments on the Draft EIS. I encourage all in this audience to review, prepare and submit final comments on the Roadless Initiative by July 17. I will continue to fight the implementation of these regulations with every means available to me, as an individual and as a member of the United States Congress.

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Specifically, the DEIS does not establish the purpose and need for more permanent roadless areas in northern Michigan. I do not understand the need for more large roadless areas on the Ottawa and Hiawatha National Forests. Threatened or endangered species are not at risk. Water quality is not impaired. There is no specific purpose for more roadless areas in the Upper Peninsula, except that the Roadless Initiative is part of a national agenda. If National Forests in other regions of the country have environmental problems, then those problems should be addressed, but not with a "one-size-fits-all" policy. It is unreasonable to make such broad decisions at a national scale. Management decisions for the National Forests in northern Michigan should be made in northern Michigan, not in Washington D.C.

The DEIS is not site-specific, because it fails to delineate and disclose the locations of the many "other unroaded areas" included within the scope of the rule. Although new procedures are prescribed to regulate the use of these lands, the description of "other unroaded areas" in the DEIS is too vague for the public to identify, understand and respond to these conditions. I am concerned that the procedural part of the policy proposal would unnecessarily change established uses and activities in these "other unroaded areas." I recommend regulations concerning "other unroaded areas" be dropped from the final rule, or at a minimum, "other unroaded areas" in each National Forest be clearly delineated and resubmitted for public comment before any policy is finalized on the Roadless Initiative.

The DEIS does not acknowledge the importance of temporary roads for sustainable timber management strategies in the East. There is a lack of discussion and consideration of temporary roads in the DEIS. Temporary roads are essential for proper forest management in northern Michigan.

The DEIS does not address the confluence of effects that the two new road polices, the Roadless Initiative and the Road Management proposal, would have on access to the National Forests. It is the combined, cumulative effect of these policy proposals that is of paramount concern to me. The combined effect of these policy proposals would effectively ban road construction and reconstruction on National Forests.

As I expressed in an earlier letter to you, I am very concerned about the arrogant attitude displayed by statements on p. 3-190 of the DEIS. This section also reveals that quality oversight was lacking during preparation of the document. These offensive and condescending statements must be purged from the final document.

Finally, I am requesting that you extend the public comment period 30 days to August 17. The public needs more time to understand the complexity of the proposal. I am also concerned about the delay in getting copies of the DEIS to public libraries in my district. For example, the Portage Lake District Library in Houghton, Michigan, did not receive the documents until May 25. Although the document was available on the Internet, many people in my rural district do not have Internet access.

Sincerely,

BART STUPAK
Member of Congress

BTS/mb

SENATE
STATE OF MICHIGAN

JOHN D. CHERRY, JR.
SENATE MINORITY LEADER

CHIEF'S OFFICE

CAPITOL BUILDING
LANSING, MI 48913

May 10, 2000

NFS
Chief

Mr. Michael Dombeck, Chief
United States Forest Service
P.O. Box 96090
Washington D.C. 20090

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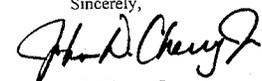
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Dear Mr. Dombeck:

I respectfully write to ask for your support in preserving the 32,000 acres of roadless National Forest in Michigan. I understand the Forest Service is currently developing a proposal to address this very issue.

As you are probably aware, Michigan residents and vacationers enjoy a myriad of natural resources our great state has to offer due to longstanding preservation initiatives. Included within these state and federally protected lands are 32,000 acres of wild, roadless forest. These lands promote and support critical plant life, clean drinking water and fish and wildlife havens. With your support, these lands can be protected with a thoughtful, scientifically based policy.

Thank you in advance for your consideration of a proposal to protect roadless forests throughout our nation. If my office can be of assistance, please contact at (517) 373-1636.

Sincerely,

John D. Cherry, Jr.
Senate Minority Leader

JDC/kb

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K I 7 5

ROAD CLOSINGS

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JULIANE M. GIACKINO
ADMINISTRATOR
JUDY K. KICHAK
CONFIDENTIAL SECRETARY

K I I 5



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KEITH A. WINKOWSKI

WHEREAS the United States Forest Service (USFS) is a significant landowner in Alger County and in the Upper Peninsula, and
WHEREAS logging is a significant industry in Alger County, and
WHEREAS the USFS is currently gathering public input on their Proposed Rule for the Roadless Area Conservation plan, and
WHEREAS three of the Alternatives proposed for consideration call for a ban on road construction, and
WHEREAS the USFS requires that roads be built for logging activities, and
WHEREAS road closings in USFS held lands would result in a severe negative impact on logging activity in Alger County, and
WHEREAS said road closings, due to limited access, would also have a negative impact on recreational opportunities as currently enjoyed by tourists and residents alike, and
WHEREAS the proposal further calls for inventory of these roadless areas, and eventual recommendation for designation as wilderness, and
WHEREAS additional wilderness designation for USFS land in Alger County would have very serious economic and/or social impact on Alger County and its citizens
NOW THEREFORE BE IT RESOLVED THAT THE Alger County Board of Commissioners oppose wilderness designation for any additional USFS lands in Alger County, and
BE IT FURTHER RESOLVED that the Alger County Board of Commissioners support, in the Roadless Area planning process, only Alternative A - No Action; No Procedures, and support more areas for handicapped use
BE IT ALSO RESOLVED that a copy of this resolution be forwarded to the appropriate person(s) in the United States Forest Service and to all County Boards of Commissioners to elicit support.

June 28, 2000

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

CAET RECEIVED
JUN 30 2000

To Whom It May Concern:

The Gogebic County Board would like to go on record as opposing the proposed roadless program in the national forests. The Forest Service has a process to determine, in the individual forests, as to what should be to maintain whatever integrity they feel is necessary to properly manage the national forests. The local personnel have the skill and the expertise to determine what should be done and what should be protected in each specific forest. To move this to the national arena makes very little sense, other than to allow various lobbying groups to be able to put pressure on a national basis, instead of having to follow each forest's plan. By allowing this program to move to the national level basically eliminates the local people from being able to provide input into any forest plan, as many public hearings are held great distances from where the people who are affected live.

In Gogebic County, a large part of the land in the County is controlled by the United States Forest Service. We also have many people who depend on the logging industry to provide their livelihood. If vast areas of the Ottawa National Forest become roadless, this would deny these individuals an opportunity to work. In an economy such as ours this becomes devastating. Our unemployment rate exceeds 7 percent at a time when the general economy is looking at an unemployment rate of 2 percent. We cannot afford to lose even one job. The process the Forest Service uses now to market their timber takes an exceedingly long time, and limits the amount of logging that can be done. By designating areas as roadless, the forest would be virtually inaccessible to the logging industry.

We thank you for your consideration.

Sincerely,

Leo C. Arnestad (Signature)
Leo C. Arnestad, Chairman
Gogebic County Board of Commissioners

LCA/jkk

A20053

STATE OF MICHIGAN }
Alger County } ss. CERTIFIED COPY OF RECORD
Munising, Michigan }
I, Donald W. Kinnunen, Clerk of the County of Alger, and of the Circuit Court thereof, the same being a Court of Record having a Seal, do hereby certify that the following is a true copy of the above record now remaining in my office, and of the whole thereof, via:
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court the 28th day of June
A.D. 2000
(Signature) County Clerk

13546


Ontonagon County
Board of Commissioners
Courthouse, 725 Greenland Road
Ontonagon, Michigan 49953
Telephone: (906)884-4255
Fax: (906)884-2916

Chairman
Joan V. Antila
Vice Chairman
Louis J. Paulman

June 20, 2000

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JUL 10 2000
Commissioners
Joseph S. Moskwa
John E. Pelkola
Hubert J. Lukkart

USDA Forest Service - CAET
Attention: Roadless Areas NOI
P O Box 221090
Salt Lake City, Utah 84122

After attending the informational meetings on the Ottawa National Forest in Ewen, Michigan on December 13, 1999 and May 31, 2000 we are responding to the Notice of Intent (NOI) published in the Federal Register on October 19, 1999. We endorse the "no action" Alternative A (making no change in current policy and withdraw the rule!) The issues before the Forest Service are too great for the public not to have time to digest and consider the impacts of the alternatives the Forest Service has presented.

The Roadless Initiative EIS and proposed rule is not a stand-alone document. It's only part of a Clinton/Gore natural resource agenda that is designed to keep the public off the public land. The other parts of this are the revised Transportation Plan and the revised Forest Planning rules. The Transportation Plan is designed to close 80% of the roads in our national forests. The revised Forest Planning rules place restoring the ecosystems to a pre-Columbian condition as the primary goal for how all national forests will be managed. This means no human use allowed!

We believe that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process at the local level. A rule-making process that could affect all roadless areas through one national decision cannot address the unique forest conditions that we in the local area are aware of. We are strongly opposed to a unilateral decision to protect all roadless areas, which is the intent of this rule-making. The Roadless Initiative says that planning will occur on the local level. But the new planning rules are rigged to favor ecosystem preservation, special interest group access and top-down meddling.

At the Forest Service meeting on December 13, 1999, it was apparent that the local public is opposed to this process and proposal. There were 170 and 150 participants at the two subsequent meetings. Overwhelming opposition was expressed by people commenting. This process is contrary to the Forest Service's emphasis on collaborative decision

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making, planning and forest management in general. It is only appropriate to consider changing the status of roadless areas from multiple-use to some type of restricted use, on a case by case basis. This proposal will over turn the current plan. This is unacceptable. Citizens from all over the nation participated in developing this plan at considerable expense. Through this possible decision this plan becomes useless.

As stated before, decisions about roads in all public forests should be made at the local level, under the current legal framework. Managers on the ground, with input from the public, should make decisions about roads, based on the needs of the individual forest and the communities dependent on the forest. Go back to the drawing board and honestly explain to the American public how their access will be affected by these proposals. Our public lands should be open to the public for recreation and resource removal in order to protect forest health and other values as outlined in local plans.

Thank You,



Joan V. Antila, Chairperson
Ontonagon County Board of Commissioners

cc: Senators Carl Levin and Spencer Abraham
Congressman Bart Stupak

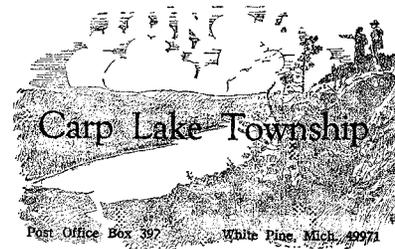
Ontonagon County Planning Commission
415 Spar St.
Ontonagon, MI 49953

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USDA Forest Service - CAET
Attention Roadless Areas NOI
PO Box 221090
Salt Lake City, Utah 84122



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JUL 10 2000



After attending the information meeting on the Ottawa National Forest in Ewen, Michigan December 13, 1999 and May 31, 2000 we are responding to the Notice of Intent (NOI) published in the federal Register on October 19, 1999. We endorse the "no action" Alternative A (making no change in current policy and withdraw the rule!). The issues before the Forest Service are too great for the public not to have time to digest and consider the impacts of the alternatives the forest service has presented.

The Roadless Initiative EIS and proposed rule is not a stand-alone document. It's only a part of a Clinton/Gore natural resource agenda that is designed to keep the public off the public land. The other parts of this are the revised Transportation Plan and the revised forest Planning Rules. The Transportation Plan is designed to close 80% of the roads in our national forests. The revised forest Planning rules place restoring ecosystems to a pre-Columbus condition as the primary goal for how all national forests will be managed. This means no human use allowed! These are both totally unacceptable and should be illegal.

We believe that all decisions about the status of inventoried and un-inventoried roadless areas should be made through the forest planning process, at the local level. A rule making process that could affect all roadless areas through one national decision cannot address the unique forest conditions that we in the local area are aware of. We are strongly opposed to a unilateral decision to protect all roadless areas, which is the intent of this rule making. The Roadless Initiative says that planning will occur on the local level. But the new planning rules are rigged to favor ecosystem preservation, special interest group access, and top-down meddling.

At the Forest Service meeting on Dec. 13, 1999, it was apparent that the local public is opposed to this process and proposal. There were 170 and 150 participants at the two subsequent meetings. Overwhelming opposition was expressed by people commenting. This process is contrary to the Forest Service's emphasis on collaborative decision-making, planning, and forest management in general. It is only appropriate to consider changing the status of roadless areas from multiple-use to some type of restricted use, on a case by case basis. This proposal will over turn the current multiple use plan. This is unacceptable. Citizens from all over the nation participated in developing this plan at considerable expense. Through this possible decision this plan becomes useless.

As stated before, decisions about roads in all public forests should be made at the local level, under the current legal framework. Managers on the ground, with input from the public, should make decisions about roads, based on the needs of the individual forest, and the communities dependent on the forest. Go back to the drawing board and honestly explain to the American public how their access will be affected by these proposals. Our public lands should be open to the public for recreation and resource removal in order to protect forest health and other values as outlined in local plans.

Thank you,

Steve Store
Steve Store
Vice-Chairman

Cc. Carl Levin,
Spencer Abraham
Bart Stupak

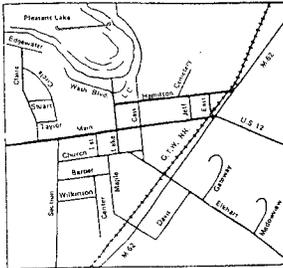
To Whom It May Concern:

The Carp Lake Township Board strongly opposes the roadless initiative plan as proposed by some people in our federal government.

Our economy would be greatly affected by such a plan. Approximately 70% of the people in our area work in the tourist and logging related industries.

Closing trails and roadways that are now being used by the motorized vehicles would be devastating to our area.

Sincerely,
Peter Rigoni
Peter Rigoni, Supervisor



VILLAGE OF EDWARDSBURG

2821

26296 U.S. 12 East
P.O. Drawer Y
Edwardsburg, Michigan 49112-0625
(616)663-8484



Michael Dombeck
Chief
U.S. Forest Service
P.O.Box 96090
Washington, DC 20090

From the office of:

MAY 25 RECD

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Michigan, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road-building, logging, mining, and other destructive practices in our last remaining forest wilderness. Michigan is fortunate to have some of this nation's most impressive national forests. The Huron-Mannistee National Forest, Ottawa National Forest, and Hiawatha National Forest contain many pristine areas currently threatened by commercial development. Protecting these remaining roadless areas for future generations is important to the future economic and environmental well being of Michigan.

Roadless areas provide unique habitat for many wildlife species of great recreational, commercial and cultural value. Deer, fox, snowshoe hare, bald eagles, bear, coyotes, loons, and songbirds are just some of the incredible variety of wildlife that reside in Michigan's national forests. Our remaining pristine wildlands provide a unique and ever diminishing refuge for animals and humans alike. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watershed, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 areas and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Richard A. Cox
Commissioner

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JUN 01 2000

U.S. FOREST SERVICE
MAY 22 2000
CHIEF'S OFFICE



VILLAGE OF ONTONAGON

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13545
Founded in 1843



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President

June 27, 2000

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President Pro-Tem

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Manager

Joan Nygard
Clerk/Treasurer

TRUSTEES
LeRoy Brookins
Cliff Guilbault
Harry Kwapis
Karen Polakowski
James Richardson

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

Re: Special Areas: Roadless Area Conservation Proposed Rulemaking,
65 Fed. Reg. 30276 (May 10, 2000)

Dear Chief Dombeck:

The Village of Ontonagon submits the following comments on the roadless area protection draft environmental impact statement (DEIS) and proposed regulations, published at 65 Fed. Reg. 30276 (May 10, 2000). The Village of Ontonagon has vital interests in national forest management and in the proposed rulemaking. Our community relies on a steady source of timber from national forests, including timber which the current forest plans say will come from some inventoried roadless areas. Many of our citizens own private timberlands that are surrounded by, or adjacent to, national forest lands, and the health of their private forest lands will be in jeopardy if the Forest Service foregoes active forest management of the National Forest System and allows insect and disease epidemics and wildfire to slop over the boundaries onto the nonfederal lands.

We are very concerned that access to our national forests is being cut off. Americans want to recreate and enjoy the natural beauty of our nation's forests. We expect the forests to be healthy and cared for, full of wildlife and fish. We expect firefighters to have the ability to keep wildfires contained in order to protect lives and communities. Many Americans also need access to their private lands, which are surrounded by national forests. The DEIS-proposed rules, unfortunately, would lock up 40-60 million acres for the exclusive use of non-motorized recreationists and proposes to manage them in a benign neglect.

The decisions regarding management of roadless areas should be decided at the local level, not by a national administrative fiat. Local-level forest planning has long been the mechanism used to develop forest plan decisions by the people most knowledgeable about the national forest lands. Local forest plans have been developed through an open public access by agency personnel, industry representatives, environmentalists, elected officials and community activists. The proposed top-down, one-size-fits-all proposal

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undermines the cooperative dialogue that takes place during each forest's plan revision and cancels out years of research, scientific analyses, collaboration and compromise.

In short, we support Alternative A, which is to have no new or more restrictive rules and support the multiple use of our national forest for snowmobiling, four-wheeling and timber harvesting.

Sincerely,



Scott Roehm,
Ontonagon Village President

cc: J. R. Richardson, Smurfit-Stone Container
Senator Carl Levin
Congressman Bart Stupak
Senator Spencer Abraham
USFS Ottawa Forest Supervisor, Ironwood Office
USFS Ontonagon District Ranger



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40

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July 17, 2000

Page 2

July 17, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

Re: Comments on Forest Service Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement

Dear Sir or Madam:

The Minnesota Department of Natural Resources (MDNR) has reviewed the proposed rule and Draft Environmental Impact Statement (DEIS) for Roadless Area Conservation and provides the following comments for your consideration.

We appreciate that the Forest Service (USFS) is addressing the complex issues of roadless area protection and access in the National Forests. We realize there are many difficult choices to make in selecting the appropriate alternatives for implementation.

In general, we support the Preferred Prohibition Alternative 2 (Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas) and the Preferred Procedural Alternative B (Forest Planning Process Implemented at Next Forest Plan Revision). However, we are concerned that with the selection of any of the prohibition alternatives, access to non-federal (state) land not be impeded, as discussed below.

General Comments

Access to non-federal lands in the "unroaded areas" of the "inventoried roadless areas" is a major concern. Within the thirteen sites totalling 60,802 acres of inventoried roadless areas in the Superior National Forest, there are an estimated 7,000 acres of state land and another 3,000 acres of other non-federal land. Within some of the inventoried roadless areas, there are large blocks of Forest Service land with little or no non-federal inclusions, while some portions that do have significant non-federal inholdings are on the periphery of the inventoried roadless areas. Some state inholdings, however, are located within inventoried roadless areas surrounded by Forest Service lands. (The Chippewa National Forest has only 77 acres of inventoried roadless areas on islands surrounded by water.)

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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Unroaded areas are poorly defined in the proposed Roadless Area Rule, especially in terms of how they will be designated on a local basis (e.g., at what distance beyond the right-of-way of a classified road is a tract of land considered as "unroaded"?). If the Forest Service's Recreational Outdoor Spectrum classification of "semi-primitive, non-motorized" is used as a surrogate, as applied by the Superior National Forest, perhaps as much as 40% of the inventoried roadless areas might be considered as unroaded areas.

Once designated as an unroaded area, it will be more challenging than at present for non-federal landowners to obtain access from the Forest Service even though the proposed Roadless Rule provides an exception for "outstanding rights" (e.g., Alaska National Interest Lands Conservation Act, ANILCA, requires the USFS to provide reasonable access to non-federal lands). The Forest Service will still be required to prepare an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA); because of the proposed Roadless Area Rule prohibition on reconstruction of "unclassified roads" including existing travelways such as winter roads, the EAs will receive even greater scrutiny and will be more costly and time consuming to prepare.

Currently, the Superior National Forest is underfunded to provide timely EAs that are required by NEPA for the needed access permits. Recent USFS changes in the scope of NEPA review requirements for special use permits have substantially increased the costs for processing special use permits. Inadequate funding to prepare the EAs can cause significant delays in the issuance of special use permits for access to non-federal lands. To resolve this funding dilemma, a recent USFS proposed rule revision related to cost recovery for special use permits would shift the higher costs of processing special use permits, including preparation of NEPA documents, to permit applicants (see March 8, 2000 MDNR comment letter on the proposed cost recovery rule). Already, the increased costs of processing special use permits, underfunding by the USFS, and the directive to collect the costs of special use permits from applicants has made cooperative transportation system management and use more difficult in Minnesota, and prevented renewal of a long-standing reciprocal road access agreement between the MDNR and the USFS.

The MDNR is also concerned regarding the use of anticipated funding levels needed for road maintenance as a means to identify transportation needs, which can become a means to control transportation policy (i.e., the less funding assumed or actually available, the fewer roads will be justified as being needed or supportable). Transportation system needs should be determined by management objectives. While the designation of unroaded areas will reduce future Forest Service road construction and maintenance costs, existing needed access roads should not be eliminated on the basis of funding limitations alone.

We are concerned that the proposed Road Management Rule does not recognize the existence of roads that are used or needed only periodically for management purposes. "Unroaded Areas" in the proposed Roadless Area Rule are defined as "any area, without the presence of a classified road, . . .". There are numerous classified and unclassified roads that are not recognized on an existing National Forest road inventory that provide access to non-federal and National Forest Lands alike. Many unclassified roads, or travelways, require little or no maintenance since they are often restricted to winter use and may be only used every 20 to 40 years or so.

July 17, 2000
Page 3

The proposed Roadless Area Rule should recognize some of these travelways as "classified roads" through collaborative planning with other landowners, so that these access roads to non-federal lands are not treated as new construction or re-construction when they are periodically needed, so as to minimize NEPA involvement. We do not believe it is a prudent use of staff resources to prepare EAs for these existing travelways (the environmental effects have already occurred), and that, in addition to providing access for forest management purposes, also provide access for existing recreational uses. Likewise, the MDNR and other landowners will likely incur increased costs to regain access on formerly inventoried ("classified") roads if they are dropped from the national forest road system (i.e., decommissioned) as a result of the proposed Road Management Rule, because of the environmental review that would be needed before these travelways could be reopened. Since the status of National Forest lands as unroaded areas has implications for the extent of NEPA review and monitoring needs, the accuracy of National Forest road inventories is extremely important. As such, there needs to be ample opportunity for state, county and other adjacent land owners to have input as to what roads are included in the National Forest road inventories.

Specific Comments on the Proposed Rule - Appendix A:

A-3, Background-National Forest System Land Designations. The proposed rule uses primarily the Roadless Area Review and Evaluation (RARE) II inventories to identify the inventoried roadless areas that are the subject of this rulemaking. In Minnesota, many of the RARE II areas were included in the expansion of the Boundary Waters Canoe Area Wilderness (BWCAW) in 1979. Since that time, much of the remaining RARE II areas have been roaded or logged. There should be some process to "delist" the RARE II areas that are determined to be "roaded".

A-4, Proposed Roadless Area Conservation Rule. The purpose in the rule seems clear enough as stated (to stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas), but the Draft EIS (page 1-3) points out that mechanized and motorized uses such as off-highway vehicles (OHVs) are often allowed in roadless areas. OHV use can cause degradation of desirable characteristics of inventoried roadless areas as well as the other activities discussed in the document.

A-7, Other regulatory initiatives. The Draft EIS (Summary, page 46) estimates that the proposed Land and Resource Management Planning Rule and Proposed Road Management Rule and Policy would provide a comprehensive and consistent strategy for managing National Forest Lands. However, this set of proposed rules, in addition to the proposed Roadless Area Conservation Rule, can also be perceived to create additional layers of bureaucracy. The Draft EIS (page 1-14) states that the Forest Service may choose to integrate and clarify certain provisions within each rule to ensure consistency, clarity, and effectiveness. While this seems prudent, these principles could also be addressed through one proposed rule, such as the proposed Land and Resource Management Planning Rule, which already addresses requirements to consider some of the same issues which the USFS is attempting to address in the other proposed rules.

A-8, Proposed §294.11 - Definitions. Fundamental to understanding the impact of the proposed Roadless Area Rule is a clear definition of what "unroaded" really means. The proposed rule

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July 17, 2000
Page 4

describes eight broad characteristics of roadless areas, but no definition has been proposed that really defines "unroaded" for use by USFS personnel or for the understanding of interested stakeholders. Must an unroaded portion of an inventoried roadless area be, for example, at least 1/4 mile from a classified road right-of-way or beyond the view from a classified road? What would be really considered as unroaded in "other unroaded areas"?

Without an adequate definition for "unroaded", the MDNR is particularly concerned with the provision of the proposed rule that "other unroaded areas" be considered in the revision of national forest plans. Depending on the determination of the "responsible official" as to which areas warrant protection as "roadless areas", a substantial acreage might be designated as "unroaded areas" that do not recognize existing travelways as temporary roads that can provide access for resource management on non-federal lands.

A-9, Proposed §294.12, Prohibition on road construction and reconstruction in inventoried roadless areas. Nothing in this section is intended to prohibit the construction or maintenance of motorized trails, which seems inconsistent given the observations of many resource managers and citizens that OHV use can be more damaging than using existing travelways by loggers in the winter.

A-9, Proposed §294.13 - Consideration of roadless area conservation during forest plan revision. Having the responsible official evaluate additional roadless areas during the plan revision makes sense, providing there is adequate collaboration in planning transportation needs with other landowners within the National Forests, and if a better definition is provided as to what constitutes a "roadless area". We note that as part of the Superior National Forest plan revision process, areas have been identified for potential designation as Research Natural Areas (RNAs); and the Forest Service and the MDNR have agreed to protect these areas until the current plan revision is completed. The MDNR may then consider cooperative management of state lands adjacent to the potential RNAs.

A-12, Proposed Roadless Characteristics. The characteristics are quite broad and seem to imply that only through designating the area as "unroaded" can these characteristics be protected (e.g., cultural resources, soil productivity, riparian areas, visual quality, water quality, wetlands, and wildlife habitat). Many of these characteristics can be protected through active forest management activities. Minnesota has invested significant resources in developing and training natural resource managers and loggers in the use of Voluntary Site-Level Forest Management Guidelines that have been adopted as a matter of policy for operations on MDNR, USFS, county and industrial forest lands by their respective organizations.

A-19, Potential costs of the prohibition on road construction. The discussion on timber sales and lost jobs is too narrowly focused on National Forest lands. The reduction in USFS timber sales only increases the harvesting level on non-federal lands. Since 1993, the proportion of timber harvest on private lands has exceeded that from public lands and it continues to increase. The Draft EIS recognizes that point (page S-40) by stating that "the environmental impacts associated with timber harvesting and associated road construction and reconstruction would be transferred from NFS lands to other ownerships."

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Page 5

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It is difficult to see the purpose of designating areas as unroaded where there is intermingled ownership of state and other non-federal lands within the Superior National Forest, given that the USFS has to provide reasonable access to these lands (ANILCA). Use of temporary roads will still have to be provided to access other ownerships, and timber harvesting will continue in the "roadless areas" on other ownerships. We urge the Forest Service to limit its designation of unroaded areas within inventoried roadless areas to those portions not having intermingled ownerships.

The Final EIS should address the effects of a decreased level of forest management on National Forest lands that may increase forest insect outbreaks. For example, the areas being considered for roadless management in the Superior National Forest are susceptible to infestation by the spruce budworm. Failure of any landowner to manage problem sites may put at risk forest stands on other ownerships as well as on other national forest lands. Salvage of damage from catastrophic windstorms is also an obvious concern of the MDNR, following the July 4, 1999 windstorms in the general area that if left attended, increases the difficulty of controlling wildfire and increases the chance that pine stands would be attacked by bark beetles.

This section of the Final EIS should also recognize that some resources could be negatively impacted by these rules. For example, the previous section on the benefits of the rules states that some game species are likely to benefit from the added protection provided; however, some game species might be negatively affected.

Thank you for the opportunity to review the proposed rule and Draft EIS. We look forward to seeing the Final EIS the Forest Service's decision on the alternative rule proposals. If you have any questions regarding these comments, please call Ken Wald of my staff at (651) 296-4790.

Sincerely,

Thomas W. Balcom, Supervisor
Environmental Review and Planning Section
Office of Management and Budget Services

- c: Brad Moore Bruce ZumBahlen
- Jerry Rose Jon Nelson
- Lee Pfannmuller Kurt Rusterholz
- JohnGuenther Dave Holmbeck
- Chuck Spoden Jim Sanders, SNF
- Jeff Lightfoot

ELLEN R. ANDERSON
Senate District 66
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Phone: (612) 296-5537
E-Mail:
sen.ellen.anderson@senate.leg.state.mn.us



Senate
State of Minnesota

July 14, 2000

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USDA Forest Service-CAET
Attention: Roadless
PO Box 221090
Salt Lake City, Utah 84122

FACT RECEIVED
JUL 17 2000

Dear U.S. Forest Service:

I understand more than 380,000 miles of roads criss-cross our national forests. I support keeping our remaining wild areas unroaded. This will provide more natural habitat for wildlife as well as quiet recreation opportunities for people.

Specifically, I support:

- Prohibition Alternative 4, which prohibits road building and logging in roadless areas;
- Procedural Alternative D, which enables the forest service to begin developing guidelines for managing roadless areas until they can be incorporated into the forest management planning process; and
- Tongass Alternative T4, which affords protection for the important Tongass National Forest in Alaska now, instead of waiting until 2004.

Further, I support prohibiting off-highway vehicle use in unroaded areas. They have plenty of roads to drive on already.

Sincerely,

Ellen R. Anderson
State Senator

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Jobs, Energy, and Community Development • Taxes • Crime Prevention and Judiciary Budget Division •
Economic Development Budget Division
SUBCOMMITTEES • Chair, Housing and Economic Development • Income and Sales Tax

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DOUGLAS J. (DOUG) JOHNSON
Senator 6th District
1136 Lagoon Road
Tower, MN 55790
and
205 State Capitol Building
75 Constitution Avenue
St. Paul, MN 55155-1606
Phone: (651) 296-8884
Fax: (651) 296-6557



BY:

7-17-00 3:50 HOUSE OF REPS 5TH FL-

VIA XPDITE# 2/ 2

17280

Sharon Marko
State Representative
District 57B
Washington County



Minnesota
House of
Representatives

COMMITTEES: CAPITAL INVESTMENT; TRANSPORTATION AND TRANSIT; LOCAL AND METROPOLITAN AFFAIRS

May 17, 2000

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

To Whom It May Concern:

This letter is written to object strenuously to the Forest Service proposal for designating additional roadless areas.

Without going into detail, I particularly object to designating roadless areas in the Chippewa and Superior National Forests. My constituents are dependent on these national forests for recreation and timber management. I see no harm from temporary roads and the forest service is way out of line on this issue. Upon the passage of the 1978 BWCA bill, my constituents were promised that timber cutting would not be restricted outside the BWCA. These promises are now being broken.

I would hope you would reconsider based on these earlier federal commitments.

Yours truly,

Douglas J. Johnson
State Senator

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MAY 24 2000

July 17, 2000

Dear U.S. Forest Service:

I understand more than 380,000 miles of roads criss-cross our national forests. I support keeping our remaining wild areas unroaded. This will provide more natural habitat for wildlife as well as quiet recreation opportunities for people.

Specifically, I support:

Prohibition Alternative 4, which prohibits road building and logging in roadless areas;

Procedural Alternative D, which enables the forest service to begin developing guidelines for managing roadless areas now until they can be incorporated into the forest management planning process; and

Tongass Alternative T4, which affords protection for the important Tongass National Forest in Alaska now, instead of waiting until 2004.

Further, I support prohibiting off-highway vehicle use in unroaded areas. They have plenty of roads to drive on already.

Thank you very much for your consideration.

Sincerely,

Sharon Marko
State Representative, District 57B

11247 Kingsborough Trail, Cottage Grove, Minnesota 55016
State Office Building, 100 Constitution Ave., St. Paul, Minnesota 55155-1200

(651) 499-7757
(651) 296-3135

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COMMITTEES: Chairman, Senate Committee on Taxes • Rules and Administration • Jobs, Energy and Community Development • Election Law • Iron Range Resources & Rehabilitation Board • Duluth Legislative Delegation • Legislative Advisory Commission



13965



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- District 1 Janice Hall
- District 2 Walter Mianowski
- District 3 Robert Fenwick
- District 4 Wesley Hedstrom
- District 5 James Hall



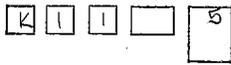
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- District 1 Janice Hall
- District 2 Walter Mianowski
- District 3 Robert Fenwick
- District 4 Wesley Hedstrom
- District 5 James Hall

July 6, 2000

July 12, 2000



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

Additional Comment:

TO WHOM IT CONCERNS:

The Forest Service Roadless Area Conservation draft Environmental Impact Statement, Volume I, II, and Summary and Proposed rule are documents that are a liability to local jurisdictions. Local jurisdictions have unique economics based on the wood industry. These economies are based on diminishing wood resources either due to location or increasing conservation policy.

Now, there is the "Roadless Area Conservation" proposal that adds further restrictions on federal lands limiting wood resources. Further, there is no commentary on how this proposal would reduce access to state, county, township, or private land holdings. So, the proposal initially constrains use on additional federal lands and secondly imposes access restrictions to local jurisdiction lands.

Again, the Cook County Board of Commissioners wishes to voice their opposition to the "Proposed Rule." The incorporation of a rule that is directed at particular areas of the United States but becomes a liability in its conception is wrong. Address the issues in the particular states that can be identified as "problem areas" and do not restrain other states with unnecessary federal government policy.

Sincerely,

Walter Mianowski, Chair
 Cook County Board of Commissioners

FACT RECEIVED
 JUL 17 2000

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

To Whom It Concerns:

The Forest Service Roadless Area Conservation draft Environmental Impact Statement, Volume I, II, and Summary and Proposed rule are bias documents that support a Forest Service position promoted by a White House initiative. For one to realize the amount of time and money spent to produce these documents and have a hopeful feeling to write a comment that would change the outcome is foolish.

This letter of opposition is being written to be of record but the specific goal to change the posture of the proposed rule already appears to be out of reach. The language throughout the draft environmental impact statement (Volumes I and II) clearly accents all the negative "ifs" that might happen with road construction/reconstruction and timber management. The point of this EIS was not to provide equitable discussion on the issue but provide enough "ifs" so an individual would conclude that these roadless areas are necessary. Common language throughout the document indicates possibility - can, may, might and could, has the possibility. Example - Pages 3-26.

Affected Environment

1. Road construction and timber harvest can
2. Roding and timber harvest may indirectly
Page 3-29
3. Roding and timber harvest are activities that can

This language is unfortunate for such a document but appropriate if one wishes to cloud the issues. If a thorough review is conducted on this proposed rule relative to individual states, one would find this proposal obsolete compared to present management practices.

The State of Minnesota has already spent thousands of dollars on the development and application of the "Best Management practices" associated with timber management. These

- An Equal Opportunity Employer -

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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BMP do protect and support the ecological diversity of the Minnesota forests. For the federal government to have a unilateral decision that is directed at western states practices but becomes universal to other states that have established progressive ecosystem management is typical government administrative deficiencies at its best.

There is strong inference in this EIS that roads and timber management practices are the leading factors that have a negative impact on the nation's drinking waters. This statement is over inclusive and should strongly advocate federal action where there is a problem. In northeastern Minnesota the issue is not roads and timber management practices but acid rain. The acidity of the rain and snow is not a by-product of road construction and timber harvesting but is the by-product of industrial pollution from outside of the area. The BMP for water quality in Minnesota has provided guidelines for road construction and timber harvesting that preserve water quality. If the federal government is really concerned about water quality of the nation, then their energy should not be put into a smoke screen directed at road construction/reconstruction and timber management in or near inventoried roadless conservation areas. The federal energy should be put into agricultural/industrial pollution.

Under the question, "How did the Forest Service determine what activities to include under the prohibition and procedural alternatives, the statement is made that the Forest Service proposes to prohibit those activities that pose the most significant national threat to inventoried roadless areas.

This statement is ambiguous and misleading. If the purpose of this initiative is to eliminate man's influence on a forest, then make that statement. If the initiative is to sustain a healthy forest that can support dispersed recreation, clean water sources for public drinking water, landscapes that provide privacy and seclusion and habitat for rare plant and animal species, then forest management will be required.

In the text, the statement refers to undisturbed landscape but there is no definition of "undisturbed." Undisturbed by man or nature? Mechanical harvest or natural disaster (fire/flood?) A forest that is not harvested in northeastern Minnesota will become a mature forest that has a high susceptibility to deterioration from natural causes. Is this the healthy forest that will support recreation, water quality, seclusion, rare plants, and rare animals? A healthy forest supports greater diversity.

"The Procedural Alternatives outline how local forest and grassland managers should address roadless characteristics in the future as they pursue projects or revise their land and resource management plans." This statement provides for local managers to make management decisions inclusive to the health of the local roadless areas. Unfortunately, there is no discussion of public participation in this process.

This EIS document is a display of political agenda superseding common sense, healthy timber management, and road construction/reconstruction for the people of the United States. The pendulum continues to swing to the conservative commentary on environmental issues. The reality is when one is done in protecting all of nature how will

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one find the optimum balance of man/nature. The EIS on "Roadless Area Conservation" is a biased document that perpetuates the imbalance of man/nature.

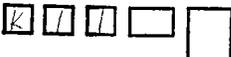
Sincerely,



WALTER J. MIANOWSKI, Chair
Cook County Board of Commissioners

WJM/js



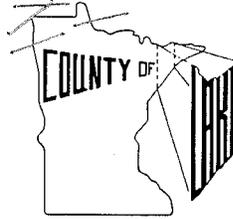


KOOCHICHING COUNTY BOARD OF COMMISSIONERS

COURTHOUSE

 715 4th Street

 INTERNATIONAL FALLS, MN 56649



COMMISSIONERS' OFFICE

County of Lake

 Courthouse

 601 Third Avenue

 Two Harbors, MN 55616

 (218) 834-8320 FAX (218) 834-8360

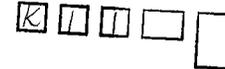
FIRST DISTRICT
 CLAIR A. NELSON, FINLAND
 SECOND DISTRICT
 DERRICK L. GOUTERMONT, SILVER BAY
 THIRD DISTRICT
 SHARON HAHN, TWO HARBORS
 FOURTH DISTRICT
 WILLARD M. CLARK, TWO HARBORS
 FIFTH DISTRICT
 STANLEY A. NELSON, TWO HARBORS

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May 26, 2000

CAET RECEIVED
JUN 01 2000

June 22, 2000



USDA Forest Service CAET
 P.O. Box 221090
 Salt Lake City, UT 84112

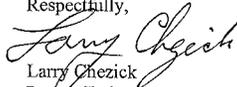
Attention: Roadless Area Proposed Rule

Attached please find a memo from Bruce Barker to the Minnesota Timber Producers Association quoting statements from Chapter 3 of the Forest Service's draft Environmental Impact Statement for Roadless Area Conservation of which the Koochiching County Board finds publicly distasteful and disrespectful.

The Koochiching County Board is outraged that such statements about rural communities and their citizens would be placed in a document where they are the subject of degrading remarks and question why these statements have any bearing in your policy decision for Roadless Area Conservation or timber harvesting. We find these statements a slap in the face to proud and hardworking rural citizens who chose to live in a rural setting because of the high quality of life.

The Koochiching County Board, on behalf of rural communities and their citizens, immediately requests that this and similar statements be retracted from the planning document and that the Forest Service be held accountable for these distasteful remarks of the rural public.

Respectfully,


 Larry Chezick
 Board Chair
 Koochiching County Board

Cc: MN Representative Irv Anderson
 MN Senator Robert Lessard
 U.S. Representative James Oberstar
 U.S. Senator Rod Grams
 U.S. Senator Paul Wellstone
 Northern Counties Land Use Board
 Associated Contract Loggers

USDA Forest Service - CAET
 Post Office Box 221090

Attention: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

To Whom It May Concern:

The purpose of this letter is to provide comments and state my opposition to the new Roadless Area Conservation Draft Environmental Impact Statement, Volume 1.11. The summary and proposed rules are good examples of people making rules and regulations when they really don't know what is happening on the ground and out in the real world.

In Lake County, we have good examples of roadless areas. They have had or did have roads in them when they were designated as roadless areas by the Forest Service. We have almost 1.4 million acres of land in our county of which about two percent have improvements on them which do not include roads. In most areas, more than 90 percent of our road use is recreational. We really enjoy and care about the public lands in our county. If we didn't, we would live somewhere else.

I thought the draft environmental impact statement was really going to address the issues. I was really disappointed in the fact that after all the time and money spent on this document, it just repeats itself with "ifs and maybes".

The B.W.C.A is in our area and about 25 percent of Lake County is included in this wilderness area. There are more people using a small percentage of the land in this area on a daily basis than any other part of our county. You have to remember, the reason the B.W.C.A. and many other areas of Northeast Minnesota are as pretty as there are, is because of proper land management. A healthy forest has to be managed and a healthy forest includes animals, trees, plants, birds and other living things.

Approximately 85 percent of our county is publicly owned, which includes the 58 percent owned by the federal government. If you look at our area, we have numerous RNAs, PRNAs, SMCs, Rare IIs and SNAs, state parks, and other reserve areas. I am sure this is true of other areas as well.

CAET RECEIVED

JUN 28 2000

Administration Office: Phone: 218-283-6252 Fax: 218-283-6221 Email: Teresa.Jaksa@State.MN.US

WILMA H. CLARK, CLERK OF THE BOARD

AN EQUAL OPPORTUNITY EMPLOYER

USDA Forest Service-CAET
June 22, 2000
Page Two

It seems as though all the rules and management plans the Forest Service or White House comes up with lately conflict with each other. The Draft EIS on Roadless Areas is one-sided and does not look at what really is happening. Most statements made in the draft have no real basis to them, i.e., if this happens, this may happen, etc. Other statements are made throughout the document that have no real bearing on the subject of roadless areas. For example, in Chapter Three, page 190, third paragraph, if you change a couple of words, it describes Washington, D.C.

If we really want to be honest and care about the issues and the future of our country, we need to talk and work together on what is really happening. As an example, a very high percentage of the air pollution affecting Northeastern Minnesota comes from out of our area, as well as other countries. This is an issue that should be considered when looking at all these proposed rules and management plans.

Sincerely,



Clair A. Nelson, Chairman
Lake County Board of Commissioners

CAN/whc

cc: President Bill Clinton
Mike Dombeck, Chief, U.S. Forest Service
James Oberstar, Congressman
Rod Grams, Senator
Paul Wellstone, Senator
Jim Sanders, Forest Supervisor, Superior National Forest



Saint Louis County

Land Department • 320 West 2nd Street, Room 607, Gov't. Serv. Cntr. • Duluth, MN 55802
Phone: (218) 726-2606 • Fax: (218) 726-2600

David J. Epperly
Land Commissioner

Mark E. Reed
Deputy Land Commissioner

July 17, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Area Proposed Rule
Salt Lake City, Utah 84122

RE: COMMENTS IN OPPOSITION TO THE ROADLESS AREA CONSERVATION PROPOSED
RULE AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Chief Dombeck:

The recent flurry of federally proposed rules within the last 9 months which are changing the direction of the United States Forest Service is of great concern to St. Louis County. St. Louis County Minnesota is the largest county east of the Mississippi River and is 7,000 square miles in area. St. Louis County is home for the largest county managed forest in the United States, nearly one million acres in size. It is comparable to an average sized National Forest in scope. St. Louis County and 14 other northern Minnesota Counties are responsible for the State of Minnesota's 2.8 million acres of Tax Forfeited Trust Lands. These lands are managed for the benefit of the local taxing districts.

The Tax Forfeited Trust Lands managed by St. Louis County are affected by the management of federal lands, state lands, other public and private lands as well. The ownership pattern in northern Minnesota is a "checkerboard" mix of these ownerships (see attached map). Cooperation is essential. Significant change in policy of any of these owners has an effect on the other. Within Minnesota, the cooperative spirit between these ownerships and public agencies has helped produce a quality forest today that we enjoy and have come to expect.

The quality forests we have today will be threatened if the proposed rules are adopted. St. Louis County is of the opinion that the changes being proposed will cause our national forests to become non-productive and unhealthy. Therefore, without more intensive management these forests will be lost to the ravages of fire, wind, insects and disease by default. Over time, unhealthy federal forests

"Trust Lands, Managed For The People Of This County"

will negatively affect the health and productivity of neighboring forests. These proposed federal rule changes will significantly increase the cost for fire protection to local governments, reduce income potential from 25% payments and in lieu payments and unfairly focus the demand for federal forest resources to state, county and private forest resources.

One of the reasons St. Louis County is firmly and summarily opposed to any rule changes being proposed and in particular, the Roadless Area Initiative Conservation Proposal, is the potential limitation on access to lands under its management. The right to access is a fundamental right of land ownership. Congress has created legislation evidencing its intent to ensure an inholder's right to access their property, most notably through the Alaska National Interest Lands Conservation Act, 16 U.S.C. §3210(a). The common law doctrine of easement by necessity further provides that inholders must have access to their land through National Forests. See, generally, Galen B. Schuler, Easements by Necessity: A Threshold for In holder Access Rights Under the Alaska National Interest Lands Conservation Act, 70 Wash. L. Rev. 307 (1995). The Forest Service's Roadless Area Proposed Rules would frustrate Congressional intent, as inholder's would be denied reasonable access to their property. Furthermore, Congress has directed the Secretary of Agriculture to provide for the "multiple use and sustained yield" of the National Forests. 16 U.S.C. §529. The Roadless Area Proposed Rules would conceivably limit the uses in and around the National Forests as well as limiting the yields of renewable resources. The Forest Service's attempt to prevent road construction and reconstruction is contrary to Congress' intent as stated in the following statutes.

Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. §§3101-3233)
"Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. Provided, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System". 16 U.S.C. § 3210(a). ANILCA provides a statutory right of access to inholders of property within all National Forests lands and not exclusively to those in Alaska. See Montana Wilderness Ass'n v. United States, 655 F.2d 951, 957 (9th Cir. 1981) cert. denied, 455 U.S. 989 (1982).

RS 2477 (43 U.S.C. 932)

Section 8 of the Act of July 26, 1866 Act provided that, "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted". RS 2477 was repealed by the Federal Land Policy and Management Act of October 21, 1976. However, previous grants of right of ways continue to exist. See United States Department of the Interior, Bureau of Land Management, Instruction Memorandum No. 90-589.

Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701-1785)

"The Congress declares that it is the policy of the United States that- . . .

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands". Section 1701(a). Further, "The Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for - . . .

(6) roads, trails, highways . . .

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, under or through such lands." Section 1761.

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In addition, "The Secretary, with respect to the public lands, is authorized to provide for the acquisition, construction, and maintenance of roads within and near the public lands in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management of such lands for utilization of the other resources thereof". Section 1762(a).

The Forest Service states that its authority to create the Roadless Area is derived from the Organic Administration Act of 1897 and the Multiple-Use Sustained-Yield Act of 1960. The Forest Service also cites to other statutes with which it must also comply, specifically, the National Forest Roads and Trails Act, the Forest and Rangeland Renewable Resources Planning Act, and the Surface Transportation Assistance Act of 1978 in conjunction with 36 CFR part 212. See DEIS Vol.1, A-7.8.

Organic Administration Act of 1897 (16 U.S.C §551)

This statute gives the Secretary of Agriculture the power to make rules and regulations for the protection of public and national forests from fire and other destructive causes. It also allows limiting the use and occupancy of the forests.

Multiple-Use Sustained-Yield Act of 1960 (MUSYA) (16 U.S.C. §§528-531) "It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes". 16 U.S.C. §528. MUSYA is supplemental to 16 U.S.C. §475, which states the purpose of establishing national forests is to, "improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States".

Creation of a Roadless Area would contradict the Congressional intent of ensuring a "continuous supply of timber" as stated in Section 475 of MUSYA. Under Alternative 2, there would be a 73% reduction in timber volume offered as compared to Alternative 1. DEIS 3-115. Alternative 3 would lead to 91% reduction, and Alternative 4 would obviously be a 100% reduction in timber sales. DEIS 3-116. Alternatives 2, 3 or 4 would arguably not furnish the country with a "continuous supply of timber".

The MUSYA further states that, "The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom". See 16 U.S.C. §529. Also, consideration should be given to the "relative values of the various resources in particular areas". The Secretary is also "authorized" to cooperate with local and State governments to manage the national forests. 16 U.S.C. §530.

The MUSYA defines multiple use as:

"The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the

other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." Section 531(a) (emphasis added).

Also, "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land". Section 531(b).

The DEIS cites to the MUSYA, and states that the Secretary is supposed to administer the land "without impairment of the productivity of the land". A-7. This statement is arguably contradictory with the roadless initiative, as the purpose of the MUSYA is to ensure that the land remains productive. It would make little sense for land to be productive when it is inaccessible. The statute specifically calls for management of the resources, it would appear that management would be more difficult without roads. Multiple use and sustained yield would be almost impossible without roadways.

The National Forest Roads and Trails Act (NFRTA) (16 U.S.C. §§532-538) clearly evidences Congress' intent in providing for roads to satisfy the nation's demand for timber. The statute also recognizes the need for protection, however, this is in the context of providing for the best way to harvest timber. Congress gives the Secretary the power to create roads through this statute, however, it does not give him or the Forest Service the power to prohibit roads.

This Act provides that,

"The Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services." 16 U.S.C. §532. The Secretary is given the power to grant easements over national forest land which can then be terminated or canceled by the Secretary.

The Act further provides that,

"The Secretary is authorized to provide for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof." It further discusses the financing of such roads by the timber purchaser, the Secretary, or public agencies. The Secretary may also require users of Forest Service roads to maintain or reconstruct roads.

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The FLPMA does not affect or modify the NFRTA (16 U.S.C. 532-538); the NFRTA shall prevail over the FLPMA if there is an inconsistency. (43 U.S.C. § 1770).

In addition, the DEIS and proposed rules are inconsistent with the Forest and Rangeland Renewable Resources Planning Act (FRRRPA) (16 U.S.C. §§1600-1613) which states: "The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in sections 532 to 538 of this title (National Forest Roads and Trails Act), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits: Provided, That limitations on the level of obligations for construction of forest roads by timber purchasers shall be established in annual appropriation Acts." Section 1608(a).

The DEIS states that this Act requires the Secretary "to install a proper system of transportation that is both economically and environmentally sound". A-7. However, this statement ignores part of the Act's purpose, that the system of transportation "be carried forward in time".

The DEIS also cites to Section 1608(c), stating that, "Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources." A-7, 8. Section 1608(a) directly cites to the National Forest Roads and Trails Act, which clearly states timber as one of the intended uses of the National Forest.

Federal Regulations at 36 CFR part 212 regulate how the Chief of the Forest Service is to grant easements and access to National Forests. The Regulations specifically provide that,

"To assure effective protection, management, and utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent, the Chief shall as promptly as is feasible obtain needed access thereto and shall grant appropriate access across National Forest and other lands and easements administered by the Forest Service to intermingled or adjacent landowners. Construction, reconstruction or maintenance of a road or highway requires written authorization".

This Federal Regulation (36 CFR part 212) does more than merely authorize the Chief to grant access to National Forest lands, it states that he "shall" grant access to inholders. The Roadless Area Proposal would directly contradict the Surface Transportation Assistance Act of 1978 (23 U.S.C. 210, 205), which governs federal funds to be used for forest highway, forest development roads and trails, as inholders could be denied reasonable access to their land.

The Forest Service has stated in its National Forest System Road Management and Transportation System: Proposed Rule and Notices, which seeks to revise 36 CFR part 212, that one of its primary actions is to, "Aggressively decommission nonbeneficial roads that are determined through forest planning and NEPA and other analysis to be damaging to the environment or to be no longer necessary for achieving resource managing objectives". 65 FR 11676. The decision to decommission a road will be made through, "science-based analysis at

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appropriate scales which includes opportunities for public involvement and consultation with state, local, and tribal governments". 65 FR 11683 (revision of part 212.5(b)(1)). The Forest Service admits that it does not provide a standard for "science-based analysis" because it intends to allow itself "flexibility". 65 FR 11681. However, if this is the same "flexibility" it allowed itself in developing the Roadless Area Initiative, this would mean "bypassing scientific analysis". See National Federation of Federal Employees, Forest Service Council, The Roadless Area Initiative: Politics Make Poor Policy. This proposed revision allows for "opportunities for public involvement", yet does not require the involvement of the people that decommissioned roads will directly effect. Further, there is the potential for creating more roadless areas through the decommissioning of roads by default. This is unacceptable and has the potential for decisions which are arbitrary and capricious.

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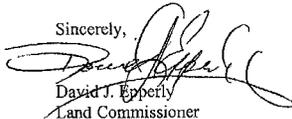
St. Louis County and State of Minnesota Ownership Within Superior National Forest

The DEIS and proposed Rules conveniently ignore statutory law, case law, common law, and existing federal regulations. ANILCA explicitly states that inholders have a right to access their lands through National Forest lands. The basic idea of easement by necessity requires that inholders must have access to their land. The existing Federal Regulation, 36 CFR part 212.5, states that the Chief must grant access to inholders. The Forest Service is ignoring the needs of lawful landowners, who merely wish to have reasonable access and use of their properties.

The proposed Roadless Area Conservation Plan is ill-conceived and is further ignoring the needs of the American people and what people really desire from their forests. The professional land managers involved in the care and protection of these forests have proven accountability to the people they serve and understand how to keep our forests productive and healthy. They have done so for the past ninety years using the very laws and policies proposed to be changed. The forests of today have resulted from these long term and visionary policies, eliminating the short term thinking and political whims which are a detriment to quality forests and long term protection of renewable resources. The FLPMA, MUSYA, NFRTA, and the FRRRPA and other similar laws all recognize the importance and benefits provided by our forests and the need to manage them to provide all things people have come to expect from our forests.

The Forest Service Roadless Area Conservation Environmental Impact Statement (EIS) is fundamentally biased, unscientific and flawed. Therefore, any proposed rules based on this document are flawed and should be rejected.

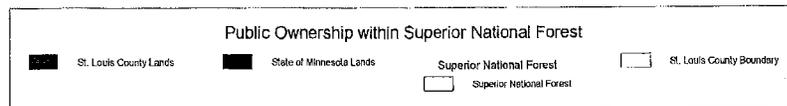
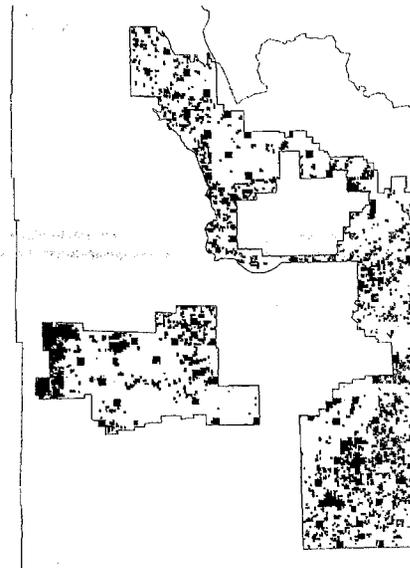
Sincerely,



David J. Epperly
Land Commissioner

- C:
- Senator Oberstar
 - Senator Wellstone
 - Senator Grams
 - County Administrator David Twa
 - County Commissioner Fay
 - County Commissioner Fink
 - County Commissioner Kron
 - County Commissioner Sweeney
 - County Commissioner Forsman
 - County Commissioner Raukar
 - County Commissioner Prebich

DE/rl

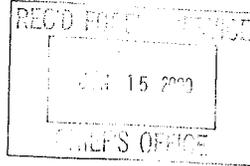


JIM NILAND
Council Member, Sixth Ward
350 South 5th Street - Room 307
Minneapolis MN 55415-1383

Office (612) 673-2206
TTY 673-2157

1 1 5 yes

JUN 16 RECD



April 28, 2000

Michael Dombeck
Chief
U.S. Forest Service
P. O. Box 96090
Washington, DC 20090

CAET RECEIVED
JUN 19 2000

Dear Mr. Dombeck:

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of Minnesota, I well understand the critical importance of intact and undamaged pristine wild areas. The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes. The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness.

Minnesota is fortunate to have some of this nation's most impressive national forests. From Superior to Chippewa National Forest, they are filled with many of the remaining roadless areas. The vast pine forests of Superior National Forest stand out as national and local treasures, home to moose, wolves, black bears, loons and migratory birds. These forests could continue to provide beauty and wilderness recreation areas for the benefit of generations to come. Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. Protecting them protects our history and ensures a vibrant future. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage. Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses.

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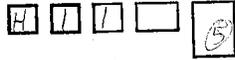
Michael Dombeck
Page Two
April 28, 2000

In 2000, the projected economic impact of recreation in the national forest system will be \$1110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes. I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road-building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Jim Niland
Minneapolis City Council
Sixth Ward

/lk
cc: U.S. Senator Paul Wellstone
Antha Williams



11235

June 28, 2000

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

CAET RECEIVED

JUN 03 2000

Comments on Roadless Area Proposed Rule

Gentlemen:

I support Alternative 1 for the following reasons:

In this area, and I'm sure in other parts of the country, wood-using industries have been upgrading their plants and increasing their production capacity based on expected available timber supplies. Under your preferred alternative you say timber harvest would not be prohibited as long as no new roads are built. We all know that roads are needed to haul products from the forest, therefore the timber volumes available for harvest from these roadless areas would be negligible. The net effect of this is to further reduce timber harvest on the NFS from its already reduced level. This causes a shift of timber demand to other sources, in turn causing higher stumpage prices and a lower overall timber availability. This has already happened here because of reduced harvest levels on the two National Forests in Minnesota. The USFS should be increasing its cut, not reducing it. You have to provide your fair share of the resource and you're not doing it.

I believe that many of your concerns regarding environmental damage resulting from road construction are overstated. Current road engineering and construction techniques can greatly reduce these fears if roads are properly designed in the first place.

As a local government official, I take issue with your general characterization in the DEIS of forestry workers being uneducated, unstable, and unmotivated. I know many of these people personally that live and work in my township and your statements are not true.

It's rather obvious that the bottom line of all this is that 22% more of the NFS is to become de facto wilderness. We have enough wilderness now with the NPS, designated Wilderness Areas, SNAs, etc., etc. Designating wilderness is Congress' job, not the President's through executive order.

Its also obvious to me that the DEIS was produced with the preferred alternative set as the goal, then written to support that goal. The Forest Service Roadless Area Conservation plan should be scrapped.

11235

John C. Hanson, Supervisor, Torrey Township, Cass County, Minnesota

11296 90th Ave NE
Deer River MN 56633

6394

6394

Ronny Wilkerson
Superintendent

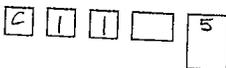
Steve Bostick
Chapter I

Michale Graves
Special Education Coordinator

Merri Gadd
Curriculum Coordinator

DEPARTMENT OF EDUCATION OF BENTON COUNTY

P.O. Box 247 Ashland, Mississippi 38603
Phone: (601) 224-6252 • Fax (601) 224-3607



CAET RECEIVED

JUN 26 2000

June 22, 2000

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

On behalf of the Benton County School System we wish to express our opposition to the Clinton Administration's proposal to designate over 50 million acres to the already excessively large amount of roadless and other non-use areas contained in the national forest system.

On October 13, 1999, President Bill Clinton announced his intention to add between 40 and 60 million acres to the currently designated 21 million acres of roadless areas. In addition, there are 33 million acres designated for "non-Motorized" uses and 35 million acres designated as wilderness. If this proposal is implemented, over 141 million acres or 73 percent of all national forest lands nationwide will be partially restricted or totally off limits to timber harvesting, oil and gas production and other commodity uses.

In our opinion, Bill Clinton has exceeded his constitutional authority in making this decision. Decisions of this magnitude, that affect the lives of so many people, should be reserved for the United States Congress.

Specifically, here are our reasons for opposing this unconstitutional land grab:

- (1) The removal of this land from commodity production will negate the opportunity for states to recoup any of the revenues forgone as a result of the lands not being on the tax rolls. School children will be the big losers.
- (2) The failure to build new roads and to decommission existing roads in areas that cannot be properly managed due to inaccessibility will further jeopardize the health of our national forest system. Currently, the national forest system is facing a forest health crisis of monumental proportions. Over 66 million acres are at high risk from catastrophic fires and insect and disease outbreaks. The only way to remedy this situation is through aggressive management of these lands.
- (3) The policy violates the rights of private inholders. Within the National Forests in the South, there are thousands of acres of private inholdings. In Mississippi only about 55 percent of the land within the proclaimed national forest boundaries are

in federal ownership. Under this policy, many private landowners could either be denied access or at least be charged fees to reach their lands.
(4) The highest recreational use of our national forests enjoyed by the American public, i.e., motorized sightseeing, will be further reduced or eliminated. The segment of our society most affected would be the handicapped and senior citizens.

We consider this plan to be a waste of our valuable natural resources and not in the best interest of our country.

For this and the reasons stated above we request that the plan to set aside more acres for non-use be abandoned.

Sincerely,

Ronny Wilkerson
Superintendent of Education



Franklin County School District

P. O. Box 605

Meadville, MS 39653

Lona B. Thomas
Superintendent(601) 384-2340
FAX (601) 384-2393USDA Forest Service
Attention: Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, Utah 84122

I was given a form letter to send to the USDA Forest Service concerning President Clinton's Administration's proposal to designate over 50 million acres to the already excessively large amount of roadless and other non-use areas contained in the national forest system.

However, I have decided to write my own letter to you. For you see, I live in the Homochitto National Forest located in Franklin County, southwest Mississippi. I also live about 10 - 12 miles from the Sandy Creek area that has been labeled a roadless area. I am the Superintendent of Education of the Franklin County School System—a schools system that depends heavily on the revenue that comes from the timber that is cut from our Homochitto National Forest.

I believe in conserving our natural resources, but in a manner that is beneficial to all. I do not know if you have ever been to the Homochitto National Forest, but if you have not you need to come. The Homochitto National Forest is a well kept forest that allows everyone the opportunity to enjoy it. You have a recreational area, camping sites, hiking trails—anything that an outdoors person would want. And, you have timber harvesting.

The Forest Service in the Homochitto National Forest has a well-defined management plan that allows select cutting where necessary. As you should know, select cutting is a way of eliminating diseased trees and of creating substantial timber growth of trees left standing.

As Superintendent of the Franklin County School System, I can assure you if timber harvesting is discontinued in the Homochitto National Forest, our school system will be devastated. You see, our County is a rural county with a vast number of our residents making their living from the timber industry. The only means of increasing our local revenue would be to increase the local taxes of our County residents who could not pay the taxes because they would not have a way to make a living. (Personal note: My father was a small time logger in the 1940's - early 60's. So, I know what the timber industry means to the people of Franklin County.)

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As I watch the news reports on television about the enormous forest fires out west, I can only wonder what if their forest had been managed like the Homochitto National Forest, would the fires have been more easily contained eliminating so much devastation? For you see, I believe the dead trees allowed to stand because of no timber harvesting fueled the forest fires. As you should know, select cutting of timber would be a way of eliminating diseased or dead trees and allowing greater timber growth for trees standing.

Yes, I believe in conserving our national resources. I believe the people of the United States need to have places they can go to camp, hike through the woods, etc. But, I also believe this can be accomplished without destroying a school system, and honesty, a whole County.

I could quote you a lot of statistics and financial figures about the impact of the timber industry, but more than likely you have been given those figures numerous times. The economic influence the timber industry has on southwest Mississippi is enormous. It would be almost impossible to imagine what would happen if the timber industry was eliminated.

Franklin County is my home—has been and will always be my home. The Homochitto National Forest is our forest. We want it taken care of and want the people who try to destroy it taken care of also. The Homochitto National Forest is the best-maintained forest in the southern part of the United States and probably all of the United States.

I sincerely hope this plan to establish more timberland off limits to timber harvesting is abandoned. Why not let the people continue to have a means of earning a living, have a sense of worth and dignity. Our County and school system can continue to operate successfully. The people can still have a place to go to camp and hike and enjoy the outdoors. Through a well-defined management plan, all of this is possible. Everyone can enjoy the natural resources that God has provided.

Thank you for your time in reading this letter.

Sincerely,

Lona B. Thomas

Lona B. Thomas
Superintendent

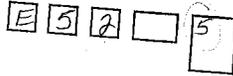
Congress of the United States
Washington, DC 20515

Roadless
5127

5127

May 24, 2000

Mike Dombeck
Chief
Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250



Dear Chief Dombeck:

We are writing to express our displeasure with the tone conveyed in portions of the Roadless Area Conservation Draft Environmental Impact Statement (DEIS). These condescending and ignorant statements are disrespectful. We demand that this text be struck from the final EIS and that a public apology be issued to the forestry workers of this country.

Specifically, the *Social Effects Related to Timber Harvest* section (page 3-190) displays a patronizing attitude toward forestry workers and the communities where they reside. It states that "if Forest Service timber management policies are consistent and reliable" then forestry workers and their communities would "adjust." It is grossly arrogant to imply that forestry workers would prefer any "reliable" Forest Service policies over their job security. These workers depend on timber harvesting for their economic stability and to remove such jobs would only exacerbate the conditions that plague some of their communities.

The Forest Service carelessly dabbles in "pop" psychology by characterizing forestry workers as uneducated, unstable, and unmotivated. It states that "many people enter the wood products industry because it provides opportunities to earn high wages without having a high level of education." Such a poorly referenced statement is particularly offensive. Many forestry workers may have college degrees but are natives of the area who prefer to live and raise their families in their hometowns while working in a profession shared by their parents. If it is true, as described in the text, that "timber dependent communities are among the least prosperous," can the residents of that area be faulted for turning to forestry jobs that pay "high wages?"

The thrust of page 3-190 tries to convince forestry workers, their families, and policymakers that timber related professions should be abandoned because of their inherent risk and lack of job security. It implies that given these conditions, everyone affected by the roadless initiative should naturally agree with Forest Service objectives. We can be certain that all forestry workers are well aware of the dangers associated with their work and are trained to minimize harm. They are aware of the uncertainty of their job security, but steadfastly remain committed to their work and providing for their families. Finally, they are aware of the economic problems facing some of their communities, which only motivates them to try to preserve their jobs and keep their

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towns viable.

When the Forest Service misinterprets the composition, goals, and concerns of people in the timber industry, it mars the entire development of the roadless initiative. Forestry workers will be greatly impacted by the roadless initiative and it is necessary to understand who holds these positions and how they regard their work

We are dismayed that the Forest Service would include such elitist and divisive comments in its DEIS. Clearly, the DEIS was not carefully reviewed and edited and we think it is appropriate to have such unfair statements removed from the final draft. Moreover, the Forest Service should issue a public apology to avoid undermining an already tenuous relationship between the Forest Service and those most affected by the roadless initiative.

Sincerely,

Bart Stupak
BART STUPAK

Jim Oberstar
JIM OBERSTAR

Jack Metcalf
JACK METCALF

Jo Ann Emerson
JO ANN EMERSON

Helen Chenoweth-Hage
HELEN CHENOWETH-HAGE

JUL-17-2000 16:46

P. 02/05

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STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • Stephen M. Mahfood, Director
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176

5 1 2 [] []

July 17, 2000

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

Dear Sir/Madam:

The Missouri Department of Natural Resources appreciates this opportunity to comment on the Draft Environmental Impact Statement (DEIS) that has been published by the U.S. Forest Service in association with the proposed rulemaking for the Roadless Area Conservation Initiative.

We are submitting the attached comments for inclusion in the official record that the Forest Service is compiling for this proposed rulemaking and DEIS.

Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Stephen Mahfood
Director

SM:tj

Attachment



JUL-17-2000 16:46

P. 03/05

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STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • Stephen M. Mahfood, Director
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176

July 17, 2000

Mr. Michael P. Dombeck
Chief, Forest Service
U.S. Department of Agriculture
Sidney R. Yates Building
4th Floor NW
201 14th Street, S.W.
Washington, D.C. 20250

Mr. Randy Moore
Forest Supervisor
Mark Twain National Forest
401 Fairgrounds Road
Rolla, Missouri 65401

Dear Messrs. Dombeck and Moore:

The Missouri Department of Natural Resources appreciates this opportunity to comment on the Draft Environmental Impact Statement (DEIS) that the U.S. Forest Service has published in association with the proposed rulemaking for the Roadless Area Conservation Initiative.

The Department of Natural Resources is the principal coordinating agency for all outdoor recreation in Missouri. We are responsible for developing and maintaining the Statewide Comprehensive Outdoor Recreation Plan. This plan, commonly referred to as the "SCORP," establishes the framework for the management, protection and development of Missouri's outdoor recreation resources. The department also manages Missouri's 81 state parks and historic sites.

The Mark Twain National Forest provides a significant portion of the outdoor recreation opportunities in Missouri. The demand for dispersed outdoor recreation opportunities in natural areas, where the intrusion of man is less apparent, is going to continue to increase in the future. The adoption of this proposed national roadless area conservation initiative, which acknowledges the importance of preserving large, undisturbed landscapes, will go a long way toward ensuring



Mr. Michael P. Dombeck
Mr. Randy Moore
Page 2
July 17, 2000

19308

the preservation of vital areas of the nation's remaining forest reserves and toward ensuring that the opportunity for quality outdoor recreation experiences are present.

The proposed Roadless Area Conservation Initiative not only recognizes the value that such areas possess today, but it also recognizes the appreciation in value that these areas will experience in the future. The importance of these unroaded areas - both inventoried and uninventoried - and the importance of preserving their characteristics, warrants a high level of protection for future generations. Road construction is the one single type of activity that most directly threatens the remaining unroaded portions of our national forests. We believe that the proposed Roadless Area Conservation Initiative represents a major step forward in protecting and preserving our natural resources.

We believe that the DEIS thoroughly outlines and addresses all the necessary factors for substantiating the proposed Roadless Area Conservation rulemaking. These factors include protecting watersheds, water quality and aquatic habitat, preserving native plant and animal communities, ensuring the availability of a more primitive and challenging outdoor recreation experience and eliminating the future fragmentation of forest ecosystems that additional roadbuilding would produce. There are substantial economic considerations associated with the backlog of deferred maintenance that has accumulated on the 386,000 miles of existing classified roads within the National Forest System. We encourage the Forest Service to go forward with this initiative.

Prohibition Alternatives - Inventoried Roadless Areas

The remaining inventoried roadless areas within Missouri's Mark Twain National Forest are few, and they are relatively small in size. This fact only makes the value of these areas that much greater. It is for this reason that we support Alternative 2, the DEIS Preferred Alternative. The restrictions proposed in Alternative 2 would provide the best protection to this relatively small amount of valuable resource that remains in Missouri's Mark Twain National Forest.

It is our understanding that the proposed rule would only apply to the unroaded portions of four remaining inventoried roadless areas within the Mark Twain National Forest. These four RARE II inventoried areas are as follows:

- Anderson Mountain (2,622 acres) - Fredericktown District
- Spring Creek (4,750 acres) - Willow Springs District
- Swan Creek (6,945 acres) - Ava District
- Big Creek (8,850) - Ava District

Only a portion of the inventoried Big Creek area remains today in a roadless condition, because this area has been assigned a forest management plan prescription that provides for a roaded environment.

Mr. Michael P. Dombeck
Mr. Randy Moore
Page 3
July 17, 2000

19308

Procedural Alternatives - Uninventoried Roadless Areas

There is a small number of other unroaded areas that exist today in Missouri's Mark Twain National Forest that were not considered as part of the RARE II process. We recommend that the management of the Mark Twain National Forest continue to provide an equivalent level of protection to these remaining areas as that provided by Alternative 2 for inventoried roadless areas. We believe that the scarcity of these naturally appearing forests in Missouri warrants this level of protection in future land and resource management plans. These uninventoried, unroaded areas that currently exist within the Mark Twain National Forest are as follows:

- Lower Rock Creek Area (Fredericktown District)
- Van East Mountain (Fredericktown District)
- Smith Creek (Cedar Creek District)
- North Fork River Area (Willow Springs District)

It is understood that the proposed rule does not impact existing unroaded, uninventoried areas of the National Forest System. Nevertheless, it is the unroaded and more natural appearing landscapes that provide these areas their greatest appeal. The next iteration of the Mark Twain National Forest Land and Resource Management Plan should strive to maintain the integrity of these valuable resource areas. In this light, we recommend that the Mark Twain National Forest management plan strive to maintain the integrity of all unroaded areas, no matter how small in size, including those that are located adjacent to existing Wilderness Areas, equivalent National Park Service holdings and state park wild areas.

It is unfortunate that this initiative has been clouded by incorrect claims that existing forest system roads and trails will be closed as a result of adoption of this rule. We believe that the degree of contention that has been generated by the proposed Roadless Area Conservation rulemaking is only indicative of the increasing competition for land and water resources that exists today.

Aldo Leopold said in his A Sand County Almanac that "To build a road is so much simpler than to think of what the country really needs." We applaud the Forest Service for undertaking this initiative as this time.

Sincerely,

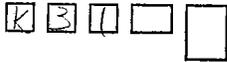
DEPARTMENT OF NATURAL RESOURCES

Stephen Mahfood
Director

SM:tlj

DENT COUNTY COMMISSION
400 N. MAIN ST.
SALEM, MO 65560
573-729-3044

10118



June 26, 2000

USDA Forest Service
Roadless Area Proposed Rule
PO Box 221090
Salt Lake City, UT 84122

To Whom it May Concern:

We the Dent County Commission are opposed to the Roadless Area Conservation proposal.

It is our opinion that this proposal is just an attempt to keep more of the forest being utilized under the multiple use concept. By prohibiting new roads in certain area's of forest you will certainly decrease timber harvesting and mining. This will have a negative affect on the income from the forest that our county and local schools depend on. The forest is a renewable resource and should be used as such. These area's in our opinion will eventually be designated as wilderness.

Thanks for including our comments in your study.

James C. Biggs
James C. Biggs, Pres. Comm.

Bobby Simpson
Bobby Simpson, 1st Dist. Comm.

J.J. Turie
J.J. Turie, 2nd Dist. Comm.

CAET RECEIVED

JUN 28 2000

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1386

E I I I B YES

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

CAET RECEIVED
JUN 08 2000

Dear Mike:

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

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

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

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

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

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

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

With best personal regards, I am

Sincerely,

Max Baucus

MSB/bk

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Control No: 4149783

BILLINGS
(406) 657-6750

BOZEMAN
(406) 586-6104

BUTTE
(406) 782-8700

GREAT FALLS
(406) 761-1574

HELENA
(406) 449-5480

KALISPELL
(406) 756-1150

MESQUITA
(406) 329-3123

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OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT
GOVERNORSTATE CAPITOL
HELENA, MONTANA 59820-0801

July 17, 2000

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

Dear Project Leader – USFS Roadless Areas Proposed Rule

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

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

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

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

TELEPHONE: (406) 444-3111 FAX: (406) 444-5528

19089

July 17, 2000
Page 2

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

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

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

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

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

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

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

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

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July 17, 2000
Page 3

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

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

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

Montana School Trust Lands

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

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

19289

July 17, 2000
Page 4

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

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

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

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

Cumulative Impacts of the National Road Management Strategy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inadequate Public Involvement Strategy

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

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

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

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

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

The memorandum closes by stating,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 131 of the report goes on to state:

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

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

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

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

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

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

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

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

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to the roadless initiative.

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

Forest Health and Fire Protection

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

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

There is the possibility we might be increasing our use of other aerial delivered resources if roadless areas are increased. We may need to utilize increased amounts of aerial delivered retardant to slow the spread of a fire until we could get ground crews to the fire

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

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

Trails, Wildlife and Fishery

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

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

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

Conclusion

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

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

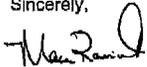
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collaborative-planning; and the costs that inventoried roadless and unroaded areas pose to state trust lands and wildfire suppression. I strongly recommend that the Supplemental DEIS be conducted in a fashion that is consistent with the collaborative-planning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

Thank you for your consideration and the opportunity to comment.

Sincerely,



MARC RACICOT
Governor

Enclosure

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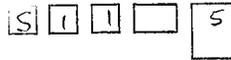
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**Montana Fish,
Wildlife & Parks**

17258

17258



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

July 14, 2000

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

Attention: Roadless Areas Proposed Rule

PACT RECEIVED
JUL 17 2000

Dear Forest Service,

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

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

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

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

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

MFWP - Helena Area Resource Office
July 14, 2000
Page Two

Roadless Areas Proposed Rule

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

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

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

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

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

Sincerely,

Gayle Joslin
Wildlife Biologist
MFWP Trails Program
Internal Advisory Committee

Montana State Senate

13557

SENATOR WM. S. "BILL" CRISMORE

HELENA ADDRESS:
 CAPITOL BUILDING
 HELENA, MONTANA 59620-0500
 PHONE: (406) 444-4800

HOME ADDRESS:
 237 AIRFIELD ROAD
 LIBBY, MONTANA 59923
 PHONE: (406) 283-7405

*The Big Sky Country*

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

CAET RECEIVED
 APR 10 3 2000

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely yours,

Senator William S. Crismore

13557

Montana State Senate

18620



The Big Sky Country

SENATOR BOB DePRATU
DISTRICT 40

HELENA ADDRESS:
PO BOX 31
CAPITOL BUILDING
HELENA, MONTANA 59620-0500
PHONE: (406) 444-4800

HOME ADDRESS:
PO BOX 1217
WHITEFISH, MONTANA 59937
PHONE: (406) 862-2849

July 6, 2000



CAET RECEIVED
JUL 10 2000

COMMITTEES:
HEALTH & WELFARE
TAXATION
HIGHWAYS & TRANSPORTATION

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

Sincerely,

Bob DePratu
SD40

RLD/bbc

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

To Whom It May Concern:

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

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

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

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

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

Montana State Senate

18628

18628

HELENA ADDRESS:
CAPITOL BUILDING
HELENA, MONTANA 59620-0500
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HOME ADDRESS:
PO BOX 1
BELGRADE, MONTANA 59714-0001
E-MAIL: DonH SD16@aol.com



The Big Sky Country
SENATE MAJORITY WHIP
SENATOR DON HARGROVE

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

CAET RECEIVED
JUL 10 2000



8 Jul '00

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

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

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

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

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

Don Hargrove
Senate District 16
Montana State Senate

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

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

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

F-29

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

My_comments

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



The Big Sky Country

13554

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BILL TASH
HOUSE DISTRICT 34

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CAPITOL BUILDING
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45 VISTA DRIVE
DILLON, MONTANA 59725
(406) 683-4828

V I I [] 5

CAET RECEIVED
JUN 30 2000

June 42, 2000

To Whom it may concern:

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

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

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

Sincerely;

Bill Tash HD 34 Beaverhead County

17297

BEAVERHEAD COUNTY COMMISSIONERS

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

K 3 1 [] []

July 17, 2000

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

SENT VIA TELEFAX Number 877-703-2494

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

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

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

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

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

17297

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

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

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

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

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

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

17297

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

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

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

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

Thank-you for your consideration of our concerns.

Sincerely,

Garth Haugland
Garth Haugland, Chairman

Donna J. Sevalstad

Donna J. Sevalstad, Member

Michael J. McGinley by *djp*

Michael J. McGinley, Member

Flathead County
Board of Commissioners
(406) 758-5503

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

K 3 7 [] 5



July 11, 2000

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

CAET RECEIVED
JUL 14 2000

Dear Forest Service:

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

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

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

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

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

43569

USDA Forest Service-CAET
RE: Roadless Area Conservation DEIS
July 11, 2000
Page Two

43569

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

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

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

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA

Robert W. Watne, Chairman

Howard W. Gipe, Member

Dale W. Williams, Member

FCBC:ecn

Enc: As stated

cc: Honorable Conrad Burns
Honorable Max Baucus
Governor Marc Racicot

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

K I I [] 5

FILED

11542

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

CAET RECEIVED
JUN 28 2000

Dear Project Leader,

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

Additional comments:

No More U.S.-B.S. This is Still
America This is Our Land Let Us Use
It.

Name:

BOB WATNE (CHAIRMAN OF FLATHEAD COUNTY)
COMMISSIONERS

Address:

630 So Frys Lake Rd.
Buhlerville, MT
59714



LEWIS AND CLARK COUNTY

REC'D LCNF JUN 26 2000

10109
City County Building
P.O. Box 1724
316 North Park
Helena, Montana 59624
Telephone 406/447-8304

10109

Board of County Commissioners

K 3 1 1 S

June 20, 2000

CAET RECEIVED

JUN 29 2000

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

Dear Chief Dombeck:

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

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

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

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

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

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

The highest and best public use of remaining roadless public lands within Lewis and Clark County is to manage for their traditional backcountry uses and values of clean water, fish and

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

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

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

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

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

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

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

Sincerely,

Michael J. Griffith, Chairman

Karolin J. Boendorf, Member

Michael A. Murray, Member

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

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

K-1-6-□-5
11200

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

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

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BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

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

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

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED

JUN 03 2000

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

June 27, 2000

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

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

Dear Mr. Castaneda:

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

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

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

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

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

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

7 MR. GRIFFITH: Thanks, Maggie.

8 MS. PITTMAN: ...for the record?

9 MR. GRIFFITH: I gave Tom a copy of

10 that today.

11 MS. PITTMAN: Okay.

12 MR. GRIFFITH: And I've got another

13 one in the mail to you so...

14 MS. PITTMAN: Perfect.

15 MR. GRIFFITH: ...thank you.

16 MS. PITTMAN: Got you covered.

17 Thanks. The next five speakers, Dave Newman,

18 Andy Skinner, Jeff Whorl, Tom Davis, and

19 Jonathan Matthews. Could you folks please

20 come up and line up over here so we'll have

21 you ready to go? Thank you. Al Thompson,

22 you're next.

23 MR. THOMPSON: Isn't it about time
24 for coffee and donuts at these hearings?
25 York Stenographic Services, Inc.

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

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

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

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

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

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

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

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

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

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

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

Our hope is that our voices will finally be heard.

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

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

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

- On February 12, 1999 the Forest Service published an interim final rule that temporarily suspended road construction and reconstruction in most roadless areas of the National Forest System. The Draft EIS is written in support of continuing that rule without any regard for the values of roads, timber harvest, or many other multiple uses.
- The Vice President has made statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And just so I'm crystal clear about it. No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

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

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

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

3. The Draft EIS Contains Numerous NEPA Deficiencies.

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

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

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

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

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

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

- The document states that many decisions need to be made at the local level but literally removes all the discretion for analyzing and selecting management options. The only options that remain open are activities that further protect roadless areas.
- The Forest Service is willing to accept the risk of catastrophic fire and the resulting adverse effects which can be equal or more destructive than management activities. However, the agency considers the risk of road construction and timber harvest to be unacceptable.
- In one statement the Forest Service says that “As roads are decommissioned, the resulting unroaded areas will be evaluated for roadless characteristics and values.” In another section, they state that “...the proposed prohibition on road construction would reduce roadless caused irreversible and irretrievable commitments to dispersed recreation activities in roadless areas.” You can’t have it both ways--Irreversible means you can’t go back to the way it was. The first statement severely contradicts the second statement which is a legal conclusion of the agency.

5. Conclusion

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

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

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BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

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

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

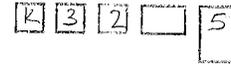
MARIANNE B. ROOSE, Commissioner
DISTRICT NO. 3, EUREKA

CORAL M. CUMMINGS
CLERK OF THE BOARD AND COUNTY RECORDER

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

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

July 14, 2000



CAET RECEIVED
JUN 17 2000

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

Dear Chief Dombeck:

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

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

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

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

Sincerely,

Marianne B. Roose, Chair

Rita R. Windom, Member

John C. Konzen, Member

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E-mail: lccomma@libby.org

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

Sincerely,

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

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

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

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

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

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

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CLERK OF THE BOARD AND COUNTY RECORDER

CAET RECEIVED

JUL 17 2000

July 14, 2000

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

Re: Comments on Roadless Area Conservation Draft EIS

Dear Forest Service,

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

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

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

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

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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

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

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

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

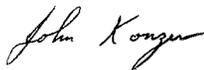
Sincerely,



Marianne B. Roose, Chair



Rita R. Windom, Member



John C. Konzen, Member

attachment

16089

**Review of
Forest Service
Roadless Area Conservation
Draft Environmental Impact Statement**

LINCOLN COUNTY BOARD OF COMMISSIONERS

LINCOLN COUNTY, MONTANA

Comprehensive Review

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

CHAPTER 1--PURPOSE OF AND NEED FOR ACTION

COMMENTS ON CHAPTER 1

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Background

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

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

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

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

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

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

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

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

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

Public Scoping Process and Issues Considered

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

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

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

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

Purpose and Need

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

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

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

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

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

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

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

CHAPTER 2--ALTERNATIVES

COMMENTS ON CHAPTER 2

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

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

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

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

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

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

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

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

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

Summary Description (Page S-7)states,

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 3--AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

COMMENTS ON CHAPTER 3

Introduction

No Comments

Overview of Inventoried Roadless Areas

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

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

General Setting, Trends, and Assumptions

Demographics

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

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

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

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

Resource Use and Demand

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

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

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

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

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

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

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

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

Agency Management Policies and Administrative Factors

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

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

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

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

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

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

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

Environmental Conditions

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

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

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

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

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

Effects of the Prohibition Alternatives

The Forest Service Road System

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

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

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

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

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

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

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

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

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

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

Ecological Factors

16. **General Comment:** This entire section is so biased against roads and timber harvesting that one cannot begin to identify all the discrepancies. The entire section focuses on the negative aspects of roads and timber harvest and rarely addresses the benefit of these activities, such as increased water for municipal use, irrigation, providing access for water related recreational activities, access for fire suppression activities and fuel management, vegetative management, etc.

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

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

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

Introduction and Overview

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

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

Watershed Health

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

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

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

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

Water Quality and Timing

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

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

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

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

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

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

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

Water Quality and Drinking Water Source Areas

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

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

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

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

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

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

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

Soil Loss and Sedimentation

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

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

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

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

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

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

Mass Wasting

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

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

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

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

Channel Morphology

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

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

Fire Effects on Watersheds

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

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

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

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

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

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

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

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

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

Air Quality

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

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

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

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

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

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

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

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

Biological Diversity

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

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

Ecoregions

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

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

Fragmentation

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

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

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

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

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

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

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

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

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

Size Considerations

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

diseases.

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

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

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

Elevation Distribution

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

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

Terrestrial Animal Habitat and Species

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

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

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

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

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

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

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

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

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

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

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

Aquatic Animal Habitat and Species

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

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

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

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

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

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

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

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

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

Terrestrial and Aquatic Plant Species

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

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

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

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

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

Threatened, Endangered, Proposed, and Sensitive Species

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

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

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

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

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

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

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

Forest Health

Fuel Management

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

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

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

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

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

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

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

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

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

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

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

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

Insects and Disease

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

Relief: None

Reference Landscapes

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

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

Human Uses

Timber Harvest

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

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

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

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

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

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

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

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

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

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

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

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

Recreation

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

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

Dispersed Activities

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

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

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

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

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

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

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

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

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

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

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

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

Developed Sites and Road Dependent Activities

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

Relief: The Forest Service must clarify these discrepancies.

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

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

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

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

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

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

Recreation Special Uses

Dispersed Activities and Developed Sites and Road Dependent Activities

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

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

Scenic Quality

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

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

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

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

Heritage Resources

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

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

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

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

Wilderness

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Real Estate Management

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

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

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

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

Relief: None

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

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

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

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

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

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

Fire Suppression

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

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

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

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

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

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

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

Social and Economic Factors

Wildland Values

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

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

Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

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

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

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

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

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

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

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

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

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

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

Hunting and Fishing

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

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

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

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

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

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

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

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

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

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

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

Livestock Grazing

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

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

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

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

Non-Timber Forest Products

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

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

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

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

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

Timber Harvest

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

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

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

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

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

Relief: The Forest Service must verify these figures with local governments and determine the

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cumulative effects of the prohibition alternatives. In addition, the Forest Service must address the appearance of conflicts between this rule and the many laws governing national forest management.

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

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

Energy and Non-Energy Minerals

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

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

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

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

Road Construction

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

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

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

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

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

Agency Costs

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

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

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

Relief: The Forest Service must clarify these statements.

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

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

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

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

Civil Rights and Environmental Justice

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

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

Local Involvement

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

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

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partnerships with local governments and communities.

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

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

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

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

Forest Dependent Communities

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

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

139. **Comment:** Page 3-210, 4th paragraph-- This section discusses the even flow of timber sale

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volume. This has become an issue because the Forest Service has imposed upon local communities lower levels of timber offer using initiatives and mandates that have not been disclosed through the NEPA process. By essentially shutting down the volume of offer in some communities, it has forced local mills to reach out further to sustain the volume necessary to remain in business.

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

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

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

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

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

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

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

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

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

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

Effects of the Procedural Alternatives

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

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

Short-Term Uses and Long-Term Productivity

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

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

Mitigation Options

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

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

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

CHAPTER 4--CONSULTATION AND COORDINATION

COMMENTS ON CHAPTER 4

Consultation and Coordination

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

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

Lincoln County

Economic Development Council, Inc.

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"Michael Kennedy"
<mkennedy@co.missoula.mt.us>

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

07/13/00 11:15 AM

26056

July 13, 2000



CAET RECEIVED

JUN 17 2000

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

Dear Chief Dombeck:

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

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

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

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

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

Please forward this request to Agriculture Secretary Dan Glickman.

Thank you for your consideration.

Sincerely,


Carolyn J. Starny
Treasure Mountain Project Coordinator

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

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

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

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

Michael Kennedy, Commissioner
Missoula County, Montana

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

17271

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

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

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

July 11, 2000

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



PAID RECEIVED
JUL 17 2000

Dear Forest Service:

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

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

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

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

17271

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

BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY

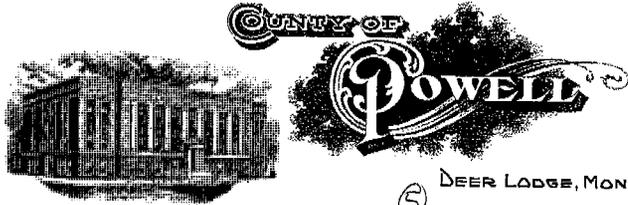
Kyle Butts
Kyle Butts, Chairman

Donald R. McDowell
Donald R. McDowell, Member

absent
Ray Traub, Member

19307

19307



July 17, 2000

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

TO: Roadless Area Planning Team

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

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

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

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

- We read the Purpose and Need section and it appears that the purpose was developed and then the need(s) were manufactured. Since the needs you have listed are unconvincing we suggest you review your manufacturing process. All three of the listed needs can be addressed within the programming process of the agency. The several million dollar cost of this EIS process could better be spent on road management.
- We believe there are many areas that should remain unroaded. We also believe some areas should be roaded. Our fear is that you will choose Prohibition Alternatives 4 and all areas will be locked up. Obviously trust is again at issue!
- We do not believe that this process will resolve the roadless issue. The form of the issue may change but the issue will not go away. There will be a "right time" to resolve the issue - this is not the right time.
- Your analysis suggests that over the next 20 years 5-10% of the roadless resource will be lost. We maintain that that amount is not significant and it probably contains the areas that have a higher value for developed uses.

K 3 2 ⁵

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

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

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

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

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

In closing, we reiterate of the position that:

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

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

Sincerely,

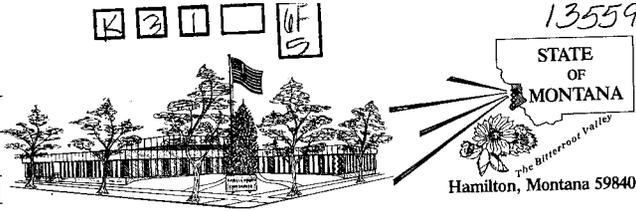
Powell County Commissioners

Kay Beck
 Kay Beck, chair

Gail Jones
 Gail Jones, member

Tom Hatch
 Tom Hatch, member

COUNTY
OF
RAVALLI



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

CAET RECEIVED
JUL 10 3 2000

Dear Forest Service,

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

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

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

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

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

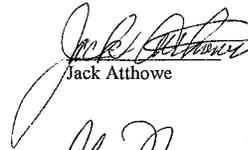
If you choose to not withdraw the Proposed Rule we ask that you extend the comment period for another 180 days to allow all citizens the opportunity to fully review and assess the impact upon

our local communities.

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

Sincerely,

Ravalli County Commissioners


Jack Atthowe


Alan Thompson


"Smut Warren"

43975



Comments: Roadless Plan

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

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

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

Two examples of local frustration:

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

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

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

Sincerely,

J. Gail Patton
County Commissioner+

CAFT RECEIVED

NOV 17 2000

1114 139

My name is Elaine Allestad.

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

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

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

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

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

Thank you for the opportunity to present this.

*

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

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

E-1-4 11, 142

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

43566

COUNTY and SUBJECT OF VOTE	FOR	AGAINST
MINERAL COUNTY Hospital District	817 *	363
MISSOULA COUNTY Museum	9,770	10,482 *
Parks Maintenance	11,230 *	8,979
Weed Control	10,797 *	9,392
MUSSELSHELL COUNTY Hospital	903 *	609
Rural Fire District	509 *	268
Sheriff	744	752
	(re-count	to be held)
PARK COUNTY Sheriff Office, 2 bonds	no tally available	both defeated
PHILLIPS COUNTY Law Enforcement	694 *	488
RAVALLI COUNTY Form a Park District	2,701 *	2,201
Swimming Facility	2,587 *	2,258
Submit Growth Plan to Voters	7,083 *	1,895
ROOSEVELT COUNTY Roads	no	all
Bridges	tally	three
Hospital	available	defeated
SANDERS COUNTY Senior Citizens	1,457 *	927
Public Safety	1,089	1,277 *
County Fair	774	1,599 *
Support Federal Roadless Policy	433	1,879 *
SWEET GRASS COUNTY Support Federal Roadless Policy	170	887 *
Weed Control	776 *	323

Montana Coalition of Forest Counties

10102

Officers & Board of Directors

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

D I I 6F
 5

July 11, 2000

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

RECEIVED

JUL 13 2000

yes

Dear Forest Service:

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

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

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

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

Sincerely,

Dale W. Williams
 Dale W. Williams, Chairman
 Montana Coalition of Forest Counties

DWW:ecn

Enc: As stated

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



CITY OF BOZEMAN
Bozeman, Montana
Office of the City Commission

June 19, 2000

H 4 1 5

CAET RECEIVED
JUN 29 2000

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

Dear Chief Dombeck:

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

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

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

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

Sincerely,

Marcia B. Youngman
MARCIA B. YOUNGMAN, Mayor

Jarvis H. Brown
JARVIS H. BROWN, Commissioner

Joe N. Frost
JOE N. FROST, Commissioner

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

Sandra L. Smiley
SANDRA L. SMILEY, Commissioner

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

Street address: 411 East Main Street
Mailing address: P.O. Box 640
Bozeman, Montana 59711-0640



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

Submitted by *Shawn Regnerus*

Shawn Regnerus

9074

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

P.01

6797

Roadless Area Conservation Proposed Rule
Public Comment Forum

Date: *6-22-00*

H 1 2 5

Comments:

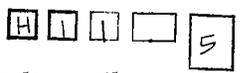
Please vigorously protect our present level of wilderness. I'm an avid hiker. But, use the rest for multiple use, except in exceptional cases people have to eat too! As I love bears, you couldn't hike all the wilderness in a lifetime.
Thank you

Name: *Joseph D. Petrucci* (Hamilton City Councilman)
Address: *503 S. 2ND ST*
HAMILTON, MT 59840 WARD I

**Please send comments to: USDA Forest Service- CAET
ATTN: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122
Fax: (877) 703-2494
Email: roadlessdeis@fs.fed.us
**Comments must be received by July 17th, 2000.

CAET RECEIVED
JUN 26 2000

13565



13565

City of Kalispell

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

Forest Services
Roadless Area Proposed Rule
July 3, 2000
Page Two

July 3, 2000

CAET RECEIVED
JUL 06 2000

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

Re.: Draft Environmental Impact Statement, Roadless Initiative

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

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

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

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

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

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

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

While it would be incorrect to state that we have always utilized responsible forest management practices, there is no question over the decades we have learned many lessons and even now could fully meet the 100 million board foot sustained yield of our local national forest. This could be done in a fashion which would not only "not harm" the health of our local national forests, but would, in fact, benefit the overall health of the forests. Has it ever been conveyed to the public that this could be accomplished by harvesting one mature tree for every ten acres of national forest land?

I would sincerely request that your agency spend its limited resources on implementing truly scientific proposals recommended in the countless prior federal policies on National Forest Management instead of constantly responding to irresponsible requests of special interest groups who's agendas are not supported by responsible science and are extremely detrimental to the livelihoods of communities, governments, and countless citizens.

Sincerely,

Wm. E. Boharski

Wm. E. Boharski
Mayor
City of Kalispell

WEB/ksk

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



City of Libby

952 E. Spruce St.
Post Office Box 1428
Libby, Montana 59923

Phone 406-293-2731
Fax 406-293-4090

17272

D I I S

July 3, 2000

USFS Chief Dombeck
USDA - Forest Service
Attn: Roadless Areas
NOI PO Box 221090
Salt Lake City, UT 84122

RECEIVED
JUN 17 2000

Re: Exemption of Economic Development Administration
Economic Diversification Strategy Project #05-29-69002

Dear Chief Dombeck:

The City of Libby and I are in support of the exemption request that the Lincoln County Economic Development Council has filed with your office for the proposed Treasure Mountain Ski Area.

This economic development diversification strategy project has potential significant positive impact for our community and the surrounding area. With the decline of our resource-based industries in the past decade, there is a definite need for projects such as the Treasure Mountain Ski Area to bolster our area's economy.

We ask that you will seriously consider this request and also forward it to Agriculture Secretary Glickman for his consideration as well.

Thank you for your assistance with this request.

Sincerely,

Tony Berget

Tony Berget
Mayor



MIKE KADAS
OFFICE OF THE MAYOR

435 RYMAN MISSOULA, MONTANA 59802-4297

18643 NFS

June 16, 2000

H I I S
JUL

REC'D

Michael Dombeck, Chief
US Forest Service
PO Box 96090
Washington, DC 20090

RECEIVED
JUL 10 2000

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Dear Mr Dombeck,

I am writing to urge you to adopt a policy protecting roadless areas in our national forests. As a publicly elected official of Montana, I well understand the critical importance of intact and undamaged wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. Montana is fortunate to have some of this nation's most impressive national forests. From the Flathead and Lolo to the Lewis and Clark National Forests, these lands are truly local and national treasures.

Roadless areas provide unique habitat for many fish species of great recreational, commercial and cultural value. Angling, hunting, camping, hiking and other recreation activities are an important part of the lives of many Montana residents. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. These unlogged and unroaded areas also protect private property from landsliders and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Mike Kadas
Mike Kadas, Mayor
Missoula, MT

Cc: Senators Burns and Baucus

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

PETER G. MORROS
Director
Department of Conservation
and Natural Resources
PAMELA B. WILCOX
Administrator

5 7 1 1 5
KENNY C. GUINN
Governor



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Division of State Lands

43717
State Land Office
State Land Use Planning Agency
Address Reply to
Division of State Lands
333 W. Nye Lane, Room 118
Carson City, Nevada 89706-0857
Phone (775) 687-4363
Fax (775) 687-3783

REC'D FOREST SERVICE
JUL '7 2000
CHIEF'S OFFICE

Page 2
Letter to Forest Service
7/12/00

related requirements of the National Environmental Policy Act: "Agencies shall: ...Make diligent efforts to involve the public in preparing and implementing their NEPA procedures...." (see 40 CFR 1506.6(a)).

Thank you and sincerely,

Mark Farman

Mark Farman
Public Lands Planner

c: Buzz Harris, Governor Guinn's office

7/12/00

Mike Dombeck, Chief
USDA Forest Service
1400 Independence Ave., S.W.
Washington, D.C. 20090-6090

JUL 17 2000

Bradley E. Powell
Regional Forester
R5 Regional Office
1323 Club Drive
Vallejo, CA 94592

USDA Forest Service - CAET
Sierra Nevada Framework Project
PO Box 7669
Missoula, MT 59807

CAET RECEIVED
JUL 17 2000

Dear Forest Service:

We request a 90-day extension of the Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement's (DEIS) public comment period. The DEIS's comment period ends on 8/11/00 and this is clearly not enough time to provide meaningful comments on such a complex and far-reaching project. This project would affect our public lands in both California and Nevada and on ten different National Forests plus the Lake Tahoe Basin Management Unit.

As you are aware, the reviewers of this DEIS also are trying to review, and understand the relationships between, three other complex Forest Service studies (two of which are also in the public comment phase of their schedule). These projects are the Roadless Area Conservation DEIS, the Northern Sierra Area Forest Plan Amendment DEIS and the National Road Management Policy study. Trying to review these related projects and understand their relationships is difficult.

An extended comment period on the Sierra Nevada Forest Plan Amendment DEIS would greatly help the Forest Service in terms of receiving more informed public comments. The extension also would help the Forest Service comply with the public involvement-

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FAX NO. 7756840260

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KENNY C. GUINN
Governor

STATE OF NEVADA



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0209

JOHN P. COMELAUX
Director

17303

JUL-17-2000 MON 01:55 PM BUDGET

FAX NO. 7756840260

P. 03

July 17, 2000

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

Re: SAI NV # E2000-137

Project: Roadless Area Conservation Proposed Rule and DEIS

To Whom It May Concern:

Enclosed are the comments from the Nevada Divisions of Water Resources and Minerals and sent under separate cover, the Divisions of Lands and Wildlife concerning the above referenced report.

The Nevada State Clearinghouse would like to reinforce the attached comments made by all of the Divisions against a wide variety of the alternatives in the DEIS as well as many of the inaccuracies.

The document is unclear and contradictory. The USFS is to be commended for its efforts to reach the public for input. However, if the issues identified in the DEIS and addressed in the meetings are difficult to unravel, the comments cannot be as concise or specific as they should be for a proposal of this importance. If one doesn't understand the document, how can one have an informed opinion?

In addition, the Clearinghouse would like to request strong consideration be made for any plan of this magnitude to be implemented at the local level. A global decision cannot possibly address the individual issues that pertain to a

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particular road relative to a given neighborhood. Unilateral, top down decisions preclude the opportunity for citizens to offer genuine input and to, perhaps, positively impact the environment most directly affecting their homes and communities. Case in point – perhaps some road you propose closing is important enough to a neighborhood for them to volunteer both time and equipment to improve and maintain that road on a volunteer basis. Conversely, one you may have determined will be maintained might be one not much used or which generates little or no concern if you close. Without the opportunity to implement this proposal on a case-by-case, local level, significant opportunities for win/win partnerships and collaboratives may be missed. We strongly request that the comment period be extended by several months and possibly, a more accurate and clear supplement be produced.

These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372 at this time. If the comment period is extended, we may offer additional remarks at that time. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

Sincerely,

Heather K. Elliott
Nevada State Clearinghouse/SPOC

Cc: The Honorable Governor Guinn
Nevada Division of Water Resources
Nevada Division of Minerals
Nevada Division of State Lands
Nevada Division of Wildlife

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KENNY G. GUINN
Governor



STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS

400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 687-5050 • Fax (775) 687-3957
<http://www.state.nv.us/minerals/>

Las Vegas Branch:
2501 E. Sahara Ave., #205
Las Vegas, Nevada 89104
(702) 486-4343
Fax (702) 486-4345

ALAN R. COYNER
Administrator

Heather Elliott
State Clearinghouse Coordinator
Department of Planning
Budget and Planning Division
209 E. Musser Street, Suite 200
Carson City, NV 89701

July 13, 2000

Dear Heather:

The following comments are for the US Forest Service Roadless Area Conservation Draft EIS. These comments reflect the concern the Nevada Division of Minerals has on this proposal as it impacts access, economic development and public safety on federal lands in Nevada.

- 1) A disproportionately large amount of Nevada's USFS lands will be affected. According to published reports, approximately 3.1 million acres of USFS national forest land would be included in the new Roadless Area, out of a total of 6.3 million acres. When this is added to the current 850,000 acres of already protected acreage (wilderness and NRA designations) more than 60% of Nevada's USFS holding will have significant restrictions for access and development.
- 2) Withdrawal of roadless areas as envisioned by the USFS will have significant impacts on mineral and energy resource development. Although it is stated that inholders with valid existing rights will have access to their properties, it is not clear if additional restrictions will be placed upon them. New areas without claim holders or current information on potential resources will be difficult if not impossible to examine. Building temporary roads for exploration and drilling will

All waters of the state belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes and not otherwise. This office supports the continued efforts of the United States Forest Service to assess watershed and riparian conditions, and to modify land use practices that tend to improve the condition of the public lands for all uses.

Thomas K. Gallagher, P.E.

Nevada Division of Water Resources

6/22/00

Omels Bryan; Small-Scale Mining and Prospecting
Jim Chardas; General Public
Patrick Fagan; Geothermal Resources

Commission on Mineral Resources
Fred D. Gibson, Jr., Chairman; Large-Scale Mining

Peter Hummel, Vice-Chairman; Oil and Gas
John T. McDonough; Large-Scale Mining
Ran Farnill; Exploration and Development

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FAX NO. 7756840260

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not be allowed, impacting the ability of communities and the state to benefit from mineral resource exploration and development. The USFS summary of the results of the "initial regulatory flexibility analysis" (page A-22 of the Summary document) does not acknowledge the impacts to small business in the metal mining sector. This analysis failed to acknowledge that in several states, but particularly in Nevada, metals (i.e. precious metals) are a major commodity from USFS managed lands.

- 3) The decision to prevent new road building on much of Nevada's forested land will prevent access to new mineral resources, thereby denying their use by the general public. To do this without having a better understanding of the mineral and energy potential of these areas is detrimental to the economic health and security of the nation. Congress has made very clear its intentions that the federal land management agencies must inventory mineral resources before lands are withdrawn from multiple use. Before any roadless area conservation plan goes into effect the USFS should complete a comprehensive mineral inventory evaluation.
- 4) The decision to allow roads to deteriorate, remove roads or not build new roads will have significant impacts on other agencies abilities to combat wildfires, manage wildlife, repair habitat, secure abandoned mines and manage other programs which enhance the environment or promote public safety. The USFS Roadless Area EIS is inadequate in that it does not seek input and serious dialogue with states and local government.
- 5) The USFS uses costs of maintaining roads as a driving force in developing this Roadless Area plan. The Draft EIS does not address the possibility of local communities, counties or the states maintaining existing roads deemed essential by local governments. The Draft EIS also does not address the R.S. 2477 issues which have been raised by counties and states over the past decade. The USFS needs to determine R.S 2477 roads within its jurisdiction, improve the quality of the maps used in identifying roads in the "roadless" areas, and consult with local and state governments to adequately address these issues.
- 6) After attending scoping, informational and public hearing meetings at different times in Reno, Ely and Las Vegas it was apparent that USFS personnel did not understand the scope and process under which the Roadless Area Conservation Plan would be initiated and implemented. Conflicting viewpoints were presented by USFS personnel at different meetings leaving confusion in the minds of the public as to the real scope and impacts of this plan. It is imperative that the public comment time-line should be extended as many issues not adequately addressed or were presented in a confusing manner.

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We appreciate the opportunity to comment on this document.

Sincerely;



Walter S. Lombardo
Senior Geologist
Chief, Southern Nevada Operations
Nevada Division of Minerals

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FAX NO. 7756840260

P. 10

PETER G. MORROS
Director
Department of Conservation
and Natural Resources
PAMELA B. WILCOX
Administrator

KENNY C. GUINN
Governor



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

July 5, 2000

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

Dear Sir/Madam:

This agency has spent a considerable amount of time and effort reviewing the draft document and attending public meetings regarding the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. We have not yet been able to determine a need for the proposed rule nor do we fully understand what the actual impacts would be with the new rule. A reading the DEIS has not revealed any actual benefit from establishing a new rule. The proposal appears to be a "backdoor" effort to establish limited use areas of the forest under the guise of addressing USEFS road maintenance and construction problems. Implementation of the new rule would effectively restrict the use of renewable and nonrenewable resources of this nation and limit access to many areas of public land for the benefit of a few.

To begin with, the proposal and the documents explaining what is proposed are extremely confusing. The DEIS is one of the most difficult documents to read and understand. It seems to be self-serving and is written to support the point of view of those that seek to eliminate any future use of existing "roadless" areas (and "roaded" roadless areas). It also appears that the DEIS was designed and prepared to be a more formidable document to read and understand than most people can endure, "thinning out" the people with time and energy to review and comment on the proposal. The comment period must be extended beyond the July 17, 2000 deadline to allow those with sufficient fortitude to complete their review of the DEIS. There is far too much "information" in the document for most people to try to understand and provide comment on within the established comment period.

State Land Office
State Land Use Planning Agency
Address Reply to
Division of State Lands
333 W. Nye Lane, Room 118
Carson City, Nevada 89706-0857
Phone (775) 687-4363
Fax (775) 687-3783

USDA Forest Service -CAET
July 5, 2000
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It is hard to understand how we can have "roadless" areas with roads and unroaded areas which are not "roadless". These concepts of roadless and unroaded depend on the definition of a road used for the rule. A more comprehensive definition of a road than which is now used would disqualify many of the inventoried "roadless" areas included in the document. A broader definition would also reduce the amount of acreage that would be subject to use and access restrictions in the future under the proposed rule. The limited definition of a road being used, however, allows for the creation of de facto wilderness by the executive branch, bypassing the Wilderness Act of 1965. This sadly seems to be the underlying intent of the proposed rule. The definition must be broadened to include all roads which may exist in an area.

We strongly support Alternative 1 (No Action) among the Prohibition Alternatives. This alternative would allow continued management of national forest units by local managers closest to the situation. A national-level rule on road construction and maintenance or possible uses in individual national forest units eliminates the flexibility local managers may need to best manage for resources and needs. National forests and the use of those public lands have the greatest impact on those that reside in the regions where the forest units are located. Many rural communities are dependent on the use of resources located on public land and continued access. Local participation in the development of individual forest unit plans must be allowed to continue and should be more actively promoted. A broad national-level rule will discourage and disqualify local and state input into the forest planning process. The other alternatives add sweeping, national level restrictions that will unnecessarily limit management options and are not desirable for the overall public good.

We also strongly support Alternative A (No Action) among the Procedural Alternatives. Again, there is no compelling need to restrict the ability of local managers and the affected public to appropriately manage the public resources and use of the national forest lands by adding an unnecessary and unwanted rule. If the roadless values in a national forest unit warrant the protection the proposed action will mandate, these values can just as well be protected using existing planning procedures and implemented when individual project proposals are being evaluated.

Sincerely,

Mike Del Grosso
Deputy Administrator

cc: Nevada State Clearinghouse

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Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials



KENNY C. GUINN
Governor

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(775) 688-1500 • Fax (775) 688-1595

13983
PETER G. MORROS
Director
Department of Conservation
and Natural Resources

TERRY R. CRAWFORTH
Administrator

USDA Forest Service – CAET
Attention Roadless Area Proposed Rule
P. O. Box 221090
Salt Lake City, UT 84112

July 10, 2000



FACT RECEIVED

JUL 17 2000

Dear Sir:

The following represents the Nevada Division of Wildlife's review of the USFS Roadless Area Conservation Initiative. While the Division does have some definitive information to go on, most of our comments are made relative to the ramifications of designating additional areas as roadless and the potential of further limiting access to public lands. In our discussions with USFS personnel, two significant aspects of this proposal have come to the forefront: (1) a prohibition on new road construction in designated roadless areas and (2) local level involvement in decision making relative to future use of existing roads in designated roadless area.

In most instances, the issue of new road construction is less pertinent to our discussion of this initiative in Nevada. Efforts of the Forest Service to construct roads on National Forest lands are at present so time consuming and costly that this aspect of the roadless issue should not be a major point of dissent. However, any roadless designation will ultimately limit the ability of the Forest Service or our agency to manipulate vegetative communities for the benefit of wildlife resources. Considering the ecological conditions existing in the Great Basin and the severity of threats to the health of those systems, it is utmost concern to us that planning remain flexible to allow for access associated with these habitat restoration projects. There are major efforts underway, by federal and state agencies as well as private organizations to address the issues evolving around the health of Great Basin habitats. Restoration actions and projects are becoming more important and aggressive. It would be unacceptable to manage access to a point that would prohibit restoration activities. This is already occurring with regard to wildlife management activities and restoration efforts in Wilderness Study Areas.

The Division supports a common sense approach to public recreational access throughout the Humboldt-Toiyabe National Forest. In instances where the proliferation of roads has had a negative affect on wildlife habitats or resources, we would agree with the decommissioning of some roads. It makes no sense to have multiple routes into the same general area when one road will provide the same benefit. When roads have been built in environmentally sensitive areas without any regard to this sensitivity,

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it is appropriate that the Forest Service determine how to remedy the situation. We additionally do not favor the indiscriminate construction of roads into sensitive areas for the sole means of creating additional public access. We have backed up this rhetoric with our support for the creation of wilderness areas within the National Forest System in Nevada. It remains important, however, that decisions on road decommissioning be made at the local level by a variety of individuals which have a knowledge of and interest in the affected area.

One pervasive fear which we in state government have is that many important access routes will be eliminated through this initiative and the Road Management Initiative (65 CFR 11676). In reviewing the maps provided by the Forest Service, one sees that most of the areas designated as roadless do have significant numbers of roads, which are presently important to the public for access. Under the current proposal or the Road Management Initiative, could these roads be closed to future public access in an effort to maintain an area's true roadless characteristics? Maintaining access for the hunting and non-hunting public at the current level in the majority of designated roadless areas within the State is integral to allowing the public to make use of the important resource which we call public lands. The Division supports local level planning for the implementation of this program and for that of the Road Management Initiative. It will be critical in addressing the site-specific issues and in providing sound decisions that will provide for the needs of those with management responsibilities and for the publics for whom the Division manages those natural resources.

Sincerely:

Doug Hunt, Habitat Bureau Chief

DP:SF:DH
CC: Nevada State Clearinghouse



Office of the Churchill County Manager

July 17, 2000

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

Via Fax (877) 703-2494

To whom it May Concern:

Enclosed are Churchill County's comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). Although there are no National Forest lands in Churchill County, many of our neighboring counties have significant tracts of land managed by the USFS, with the majority of these lands included in the unroaded portion of the inventoried roadless areas. In many instances, minor county roads are included in the inventoried roadless area, and/or form the boundaries of the unroaded portions. In Lander County on our eastern border, at least two areas have been identified on Forest Service maps as unroaded when in fact minor county roads appear to cross through them. It is our understanding that Lander County intends to maintain or reconstruct these roads as necessary in accordance with direction established by their Board of County Commissioners.

Churchill County supports the no-action alternative based upon a clear lack of demonstrated need for additional administrative authority. The Forest Service already has adequate administrative authority to control road development and manage National Forest Lands. Pg. S-7 states, "Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action". In the affected counties a majority of the unroaded portions of inventoried roadless areas already have vehicle access restrictions. As a result, the proposed rule is very similar to the no-action alternative. It is difficult to see how the proposed rule would achieve the purpose and need of the proposed action. The proposed rule is overly restrictive and limits local decision-making authority, particularly in communities that rely upon the development and use of natural resources on National Forest Lands.

National Forest Lands accessed by many Churchill County residents, such as the Toiyabe, Shoshone and Toquima Ranges, provide for a host of multiple uses and have a long history of mineral exploration and development. In fact, it appears that most of the unroaded roadless inventoried lands fall within active mining districts (Reese River, Birch Creek, Big Creek, Kingston, Washington, and Spencer Hot Springs). These mining districts have produced a variety of minerals including Gold, Silver, Tungsten, Uranium, Copper, Lead, Zinc, and Molybdenum. Churchill County is opposed to any Forest Service administrative rules or policies that would interfere with or unnecessarily increase the cost of exploration and development of mineral resources.

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Page 2:

The proposed rule is somewhat confusing with respect to mineral exploration and development, particularly as it relates to locatable minerals. The rule appears to allow road construction only in those cases where existing valid mining claims exist. The language of the proposed rule is unclear with respect to development of claims filed in the future. The County is also opposed to the language in the rule that prohibits the development of leasable minerals. The development of leasable minerals is a Forest Service decision. Once the proposed rule is in place, the Forest Service could not implement a decision contrary to Section 294.12.

If the Forest Service is unwilling to include leasable minerals in the exceptions, Churchill County is opposed to any retroactive prohibition to development activities unless adequate mitigation measures are negotiated with affected parties and included in the Record of Decision as committed mitigation.

It is noted that Tables 3-49, 3-50, and 3-51 indicate that there is more than \$7.5 trillion dollars in gross value of metal, oil and gas, and coal resources on inventoried roadless areas, which may never be developed due to prohibitions in the rule. We find it troubling that the current administration again moves to place restrictions on western coal development. The placement of such restrictions does nothing for the environment since it only "exports" the extraction of coal and other minerals overseas to third-world emerging nations where there are no environmental controls for the exploitation of such resources?

The analysis in the EIS indicates that natural resource users could face regulatory abuse. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics". This section goes on to imply that an EIS would likely be required for road building in the inventoried roadless areas that would increase the cost to develop the site. There is no clear justification as to why such a requirement would now have to be more strictly enforced. The designation of an area as roadless does not necessarily result in any greater environmental impact than would occur if the area were not roadless. NEPA was not intended to become a regulatory roadblock to be used solely to increase cost and discourage development. Since mineral exploration and claim development are exempted from the proposed rule, the Forest Service cannot simply employ a more stringent standard to achieve what was not allowed in the rule.

There is no cumulative analysis. The Forest Service does not even attempt to address past, present and reasonably foreseeable events. Instead the cumulative analysis section relies upon a discussion of two other pending rules. Clearly, the Forest Service has not met its obligations under 40CFR1508.7.

Page 3:

The County is concerned about the adequacy of the analysis and information in the document. This DEIS has been prepared in a somewhat expedited fashion. It is difficult to understand how the Forest Service could prepare an adequate analysis of a proposed action that affects such a large area and includes so many critical and contentious issues in record time. Unfortunately, the answer is simple. In some cases there is little or no analysis of impacts and the Forest Service repeatedly attempts to down play impacts and the importance of traditional natural resource industries while promoting the so called "non-use values" of a rather small minority of the population that has no direct stake in the outcome. Nowhere in the analysis does the Forest Service prove or show with any certainty that environmental conditions will improve even slightly over the no-action alternative. In other words, the Forest Service proposal does not live up to the purpose and need described in the DEIS.

Instead, this roadless initiative appears to be a blatant attempt to assuage the strident demands of a rather small segment of the population who embraces "non-use values" at the expense of grazing, the timber and mining industries, and the communities that rely upon those resources, and more traditional recreational users. The expedited timeframe for completion, limited analysis, questionable need for the proposal, and subversion of true public debate undermines the credibility of the Forest Service and further erodes the trust and confidence that many in Nevada have in this agency's ability to manage lands and resources. For these reasons and the comments attached, the Forest Service should withdraw this proposal or adopt the no-action alternative.

Should you have any questions concerning this proposal, please do not hesitate to call me at (775) 423-5136

Sincerely



Bjorn P. Selinder, Manager
Churchill County

Cc:

Board of Churchill County Commissioners
Gov. Kenny Guinn
U.S. Senator Reid
U.S. Senator Bryan
Congressman Gibbons

**Churchill County, Nevada Comments to
The Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement**

I. Comments on the Proposed Rule

First and foremost, the proposed rule is unnecessary. The Forest Service already has the ability to manage lands for road development under their current authority. In Counties impacted by the Forest Service proposal most unroaded portions of an inventoried roadless area are already within travel-restricted areas. Therefore, what is the purpose of further imposing even more complexity to the management process?

Section 294.11 Definitions

The definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should be expanded to roads that are *planned or managed, or used* for motor vehicle access.

Section 294.11 (3) *Rebuilding* This Section is unduly restrictive. It appears that it would apply to a classified road that is currently being utilized below its service level. The definition makes no distinction between classified and unclassified roads.

The proposed rule needs to make clear that the definition of Road Construction, Road Maintenance, and Road Reconstruction do not apply to classified roads other than Forest Service Roads.

The Forest Service needs to distinguish between what constitutes minor maintenance under Section 294.11 versus road rebuilding and what criteria comprise rebuilding.

Section 294.12

Section 294.12 (a) applies to classified and unclassified roads. By definition an unroaded area does not have classified roads within its boundaries. It also appears that the Forest Service is attempting to apply this prohibition to non-Forest Service roads for which they have no administrative authority. Most counties impacted by the Forest Service proposal would not abide by any federal restriction that would deny the County the ability to reconstruct their existing roads classified or otherwise, or to construct new roads on existing rights-of-way.

Section 294.12 (b)(3) This section needs to be clarified, particularly with respect to mining claims. The analysis of the proposed rule indicates that road construction and reconstruction would be permitted for valid existing rights.... under the General Mining Law of 1872. It is unclear whether roads would be permitted for claims filed after the proposed rule. The rule should be changed to clearly reflect the Forest Service's intent

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with respect to locatable minerals. The development of leasable minerals should also be included under this Section as an exception.

Section 294.13

Churchill County is adamantly opposed to Section 294.13(b)(2). This language provides far too much discretionary authority for the responsible official. This situation can lead to abuse of the administrative authority granted under this rule and exacerbates a continued atmosphere of mistrust between local residents and the federal government, a condition all too evident in some counties in Nevada and throughout the West. This section should be dropped from the proposed language.

The proposed rule also needs to contain a provision to resolve road disputes at the local level. It is very possible that the roadless inventories are inaccurate and will have some disputed roads, particularly state, county and RS2477 roads.

II. Comments on the DEIS

General Comments:

1. The DEIS does not contain sufficient information to prepare site-specific analysis. The level of detail provided is consistent with a programmatic or comprehensive EIS used to evaluate national policy directives. The development of a programmatic EIS is followed by tiered EIS(s) to more adequately analyze site-specific impacts as recommended in 40CFR1502.20 and 40CFR1508.28. Does this EIS contain the appropriate site-specific analysis to implement the decision? Please explain.
2. Statements made on pg. 1-11 clearly indicates that this DEIS is to address national level issues and does not have the ability in many instances to address site specific issues.
3. The proposed rule, along with the other pending rules, are related actions that should be considered in one EIS. Page S-46 indicates that there are two other related rulemaking proceedings (Proposed Planning Rule and the Proposed Road Management Rule). Page S-46 states, "It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands". Furthermore pg S-46 indicates that the proposed rules combined may have cumulative impacts. These three actions clearly fall with the scope of an EIS consistent with the direction under 40CFR1508.25. Why did the Forest Service treat the proposed rules as separate actions in violation of the aforementioned regulation? These three actions could be easily consolidated into one proposed action and evaluated in a manner consistent with Council on Environmental Quality's guidelines. Proceeding separately appears to be a blatant attempt to segment three closely related actions.

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4. Alternatives 2, 3 and 4 are virtually the same. There is little or no difference in terms of impacts among these alternatives. Each one provides varying degrees of timber harvest otherwise they are the same. The Forest Service has failed to adequately develop a full range of alternatives under NEPA. None of the alternatives result in significantly different impacts. In many instances the impacts are virtually the same. As a result, the Forest Service has failed to meet the requirements of 40CFR1502.14. The alternatives are nothing but "straw man" proposals. The Forest Service needs to consider an alternative that allows leasable minerals and analyzes the impacts and compares those impacts against the no-action alternative.
5. The DEIS has failed to adequately analyze the impacts to mining instead claiming that adequate information is not available at the national level to assess the impact. Substantial information is available locally that allows for such an assessment. The time required to assemble such information would likely take longer than the Administration would like and delay the record setting pace the Forest Service has established for the preparation of this draft EIS.
6. The DEIS must also examine the potential impacts of designating "other roadless areas". Other unroaded areas are not included in the proposed action or analyzed in the DEIS. The amount of lands that could be designated is substantial. Although it is difficult, if not impossible, to know exactly which lands would be designated as unroaded, the Forest Service should consider a worst-case scenario where all the lands would be included.
7. It appears that the evaluation of environmental consequences focuses on inventoried roadless areas whereas the prohibitions of the proposed rule primarily applies to the unroaded portions. Please provide the justification for using roadless area instead of the unroaded portion of the roadless area.
8. There is not a credible impact analysis provided in this document. The analysis of impacts for most resources contains a discussion of road miles and makes generalized conclusions based upon road miles. The analysis assumes that road construction or reconstruction would create an impact without providing any justification. It does not consider a host of standard operating procedures and other mitigation that would minimize road construction and related project impacts.
9. The cumulative analysis fails to adequately analyze all past, present and reasonably foreseeable actions that have impacted access and use of National Forest lands including the extensive loss of timber jobs and harvest due to other prohibitions. Cumulative actions are often inappropriately integrated into the

baseline description in an attempt to mask their impact and to minimize the incremental impacts related to this proposal.

10. The overall approach to the analysis is disturbing. In most cases the environmental consequences section provides little in terms of real impact analysis. Many of the section are generalized impacts based upon the potential for road miles. There are few, if any, objective, meaningful comparisons of impacts between the no-action alternative and action alternative.

Specific Comments

11. Pg. 3-13 discusses the Forest Service Road System. Based upon the discussion, it appears that recreation users, solitude seekers, etc generate most roads use. The Forest Service needs to devise a plan to recoup user fees from this group.
12. Pg. 3-13 Forest Service Road System. This Section needs to include a map showing planned road construction by region.
13. Pg. 3-15 indicates that road construction has declined to about 192 miles a year in 1999 with decommissioning of nearly 2,660 miles of road per year resulting in a net loss of 2,468 miles per year. This represents a cumulative impact that should be analyzed along with the roadless initiative. Please provide a discussion of the types of roads decommissioned each year. How many miles would affect the inventoried areas?
14. Pg. 3-15 last para and again on pg 3-23 indicate that best management practices for road planning, design and construction can minimize adverse environmental impacts. Please define and quantify remaining impacts. Are these best management practices assumed in the baseline and the no-action alternative? If so, the roadless initiative would appear to provide only a slight marginal improvement (perhaps insignificant) to the ecological health of some areas affected by this proposal. Following the same logic, decommissioning efforts have a far greater impact on Forest Health than this proposal.
15. Pg. 3-18 and 3-19 indicates that 1,444 miles of road are planned for construction over the next four years-please show locations on a map(s). Approximately 806 acres of road disturbance are timber related. Since timber harvest would not occur in Nevada (with the exception of small amounts in the Sierra Nevada range), only roads for non-timber related purposes would be constructed or reconstructed. Total non-timber planned road construction in the Intermountain Region over the next four years would be 152 miles which would disturb approximately 500 acres. Even if the entire 152 miles were in roadless areas of Nevada, this would account for 0.0156 percent of the inventoried roadless area in Nevada. Specifically, what beneficial impact would this have on inventoried

roadless areas in Nevada? How does the protection of this minuscule amount of land achieve the action's purpose and need?

16. Table 3-19 needs to be consistent with Table 3-4. How many miles of planned road construction are reconstruction activities by region?
17. Pg. 3-20 Ecological Factors-The EIS needs to contain maps that show areas most likely to be impacted and roadless areas where timber harvest would be curtailed due to this proposal.
18. Pg. 3-22 Watershed Health. This entire discussion relates primarily to timber harvest areas. Can we assume that watershed health; water quantity and timing are not significant issues outside timber harvest areas.
19. Page 3-142 Where is the baseline description for minerals and geology. At a minimum the description should show existing mining operations, proposed mining operations that require roads, areas of known valuable resource deposits.
20. Page 3-143 states, "An EIS would likely be required for proposed activities that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more" What is the justification for this statement? It is inappropriate to make such a generalized statement in this EIS. The analysis in this EIS cannot support such a statement since it does not analyze with any detail regional or site-specific locations. Requiring the preparation of an EIS is not part of the proposed action and it should not be treated as such in this document. An EIS is required to study the potential impact of a proposal. Whether or not an area has a certain designation is irrelevant.
21. Page 3-143 states; "There is currently a trend of decreasing interest by the minerals industry.....appeals and lawsuits". This statement describes cumulative impacts and should be considered in the cumulative analysis section. Also the Forest Service needs to provide some general impact analysis related to this statement, i.e., loss of jobs, income, taxes, etc.
22. Page 3-143 The analysis in this section is inadequate because it only discusses additional regulatory measures imposed by the Forest Service that may create additional delay and cost. By including this type of language it presupposes that the Service already knows what the impacts are. Furthermore, the EIS does not consider appropriate mitigation measures. There is nothing in this EIS that could justify for any specific project the need for an EIS.
23. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics".

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Again, this statement implies a degree of regulatory abuse and attempts to circumvent the Mining Law.

24. Page 3-144 The description of the affected environment needs to include some description of the types of leasable minerals developed on NFS lands and the quantities of extraction. There is no way to gauge the order of magnitude of the impact without the appropriate baseline information.
25. Page 3-144 and 145. The analysis needs to include areas that have the potential for leasable minerals. Those areas that are within the unroaded portion of the roadless area should be delineated. Estimates of leasable minerals in the unroaded portion should be compared to leasable mineral deposits outside roadless areas. Estimates of potential losses from the prohibition of developing this resource should be assessed in the EIS.
26. Page 3-145 indicates that standing decisions with regard to leasable minerals could be reviewed. The Service needs to be clear with respect to retroactively changing previous decisions. Private companies involved in leasable mineral ventures may have already allocated significant amounts of money for exploration and development. At a minimum, mitigation needs to be proposed for situations where private entities have committed funding to resource development.
27. Page 3-145 last paragraph states, "Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown". The Forest Services needs to make a good faith estimate of the magnitude of impact. Page 3-143 identifies a list of potentially cumulative impacts, which should be integrated into this section and thoroughly analyzed.
28. Page 3-177 States that most ranchers depend on off-farm sources of income to remain economically viable. That is for the most part an untrue statement of central Nevada. The statement implies that livestock production is merely a hobby rather than a way of life producing a valuable commodity and food source. How many ranching operations have been forced into this situation from allotment reductions and other regulatory constraints imposed by federal agencies?
29. Page 3-182 Affected Environment Timber Harvest. The discussion on the first page is a cumulative impact that has resulted from regulatory and environmental restrictions steadily imposed on timber producers by federal land management agencies.
30. Pg. 3-193 states, "Like most extractive industries, mechanization has led to a decrease in the number of jobs per unit of output". This statement may be true, however, mining contributes indirectly to jobs in the non-manufacturing sector. In Nevada mining directly provides approximately 15,000 jobs. For each direct

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- job, mining generates another 0.75 jobs in the Nevada economy resulting in some 26,250 direct and indirect jobs in Nevada. The analysis should include the indirect benefits as well. Mining also provides a substantial amount of local government resources through sales and property taxes.
31. Pg. 3-193 No Action Alternative states a downward trend is in place. The only reason for a permanent downward trend is Forest Service policy towards the mineral industry. Market fluctuations create the cyclical nature of the mining industry, but it is difficult to predict a continuing downward trend.
 32. Pg. 3-194 states, "The prohibition of road construction or reconstruction in inventoried roadless areas is more likely...". The proposed rule only considers the unroaded portion of the roadless area.
 33. Pg 3-195 Tables 3-49 through 3-51 indicates that the gross value of metals, oil and gas, and coal exceeds more than 7.5 trillion dollars. Does the Forest Service consider limiting access to some 7 trillion dollars worth of oil, gas, and coal an insignificant impact? It would appear that the USFS believes that energy stocks and minerals can be obtained from third-world emerging nations without concern for strategic implications to the United States and attendant environmental consequences for countries ill-equipped to deal with these impacts?
 34. Cumulative Impacts This section contains a few pages about cumulative impacts related only to the other proposed rules and ignores many of the past, present and foreseeable actions which may have cumulative impacts particularly on the timber industry and timber dependent communities. The impact of the related proposed rules should be included with this analysis along with other restrictions and regulations that have created similar impacts to affected areas. The cumulative impacts of further restrictions need to be analyzed. Clearly, the Forest Service has not met the requirements under 40 CFR1508.7. This section is so poorly developed that it is difficult to make any further comments.
 35. Page 3-243 The Mitigation Options need to be committed in the Record of Decision. Otherwise they are meaningless.

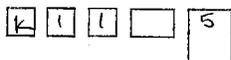


Department of Comprehensive Planning

500 S Grand Central Pky • Ste 3012 • PO Box 551741 • Las Vegas NV 89155-1741
(702) 455-4181 • Fax (702) 385-8940

John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

July 12, 2000



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

PAID RECEIVED
JUL 17 2000

COMMENTS ON THE ROADLESS AREA CONSERVATION PROPOSED RULE

Dear Content Analysis Enterprise Team:

In December 1999, Clark County submitted a preliminary response to the Roadless Area Conservation Proposed Rule. We also attended local public meetings conducted by the Forest Service to review local impacts and monitor public sentiment in Clark County and Southern Nevada.

Clark County wants to reiterate the comments we made in our preliminary response (see attachment), and want to emphasize the need for collaborative involvement in the decision-making process among federal agencies, state and local governments, and interested citizens. While the current Roadless Area Conservation Proposed Rule will not significantly impact Forest Service administered lands in Clark County, there are many areas throughout the Western United States with greater impact potential that will certainly benefit from interactive public involvement processes.

Thank you for the opportunity to review the USDA Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

Sincerely,

John L. Schlegel, Director
Clark County Department of Comprehensive Planning

Attachment

cc: Tom Kuekes, District Ranger, Spring Mountains National Recreation Area

BOARD OF COUNTY COMMISSIONERS
BRUCE L. WOODBURY, Chairman • ERIN KENNY, Vice-Chair
YVONNE ATKINSON GATES • DARIO HERRERA • MARY J. KINCAID • LANCE M. MALONE • MYRNA WILLIAMS
DALE W. ASKEW, County Manager



Department of Comprehensive Planning

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John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

December 15, 1999

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

Dear Content Analysis Enterprise Team:

Clark County, Nevada is responding to the Federal proposal concerning the future of inventoried roadless areas within the National Forest System. We understand the need to address the concerns of access and maintenance of roads throughout National Forest System lands. At the same time, those concerns must be addressed on a case by case basis for a specific area and driven through a local process with both local government and citizen involvement. Bottomline, the communities and individuals that are the most affected by the ultimate decision must be actively involved in the decision making process.

Attempting to complete a national Environmental Impact Statement covering 318,000 miles of road within one year is a tough task under the best of conditions. The "emotional triggers" associated with roads and access make this a virtually impossible task. The National Environmental Policy Act is specific regarding both the level of analysis necessary and public involvement and should be used as a guide in this process. Specifically, heavy public and local government involvement must be incorporated as part of this process. A complete inventory of roads should be completed as well as a transportation and access plan that would include recommendations for maintenance, adoption by user group, and overall trails and roads management.

We use existing roads to protect our forest resources from fires, to provide access for recreational opportunities, to protect the numerous plants and animals that live nowhere else in the world, and provide for the livelihood of Clark County residents. We are a desert community in a different ecosystem than the Pacific Northwest, Midwest, or Northeast. The Environmental Impact Statement must adequately address these specific environmental conditions and variations.

In addition to being a destination gaming resort, Las Vegas is a world-wide destination for visual and outdoor recreational opportunities. Las Vegas is also the fastest growing metropolitan area in the United States.

Historically, recreation opportunities have been available to residents in the undeveloped open-space immediately adjacent to, and within, residential areas. With the in-fill development of these open-spaces, these recreational opportunities are being eliminated. To correct this situation, Clark County is working collaboratively and successfully with the Forest Service, Bureau of Land Management, National Park Service and Fish & Wildlife Service. We are also working with a very proactive group of concerned citizens to preserve and develop new or existing roads and

BOARD OF COUNTY COMMISSIONERS

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trails. Our citizen groups have currently adopted hundreds of miles of jeep trails, equestrian routes, mountain bike routes, and hiking trails to the benefit of the federal agencies, the community and these separate user groups

In May 1999, Clark County moved to formalize a regional trail development effort by establishing the Southern Nevada Regional Trails Partnership. Partners include all appropriate local and federal land management agencies, user groups and concerned citizens. The outcome will be the development of a regional and interconnected trail system providing new and existing opportunities for diverse experiences and access. These opportunities range from the urban desert washes of Las Vegas, to the remote areas the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area of the Humboldt-Toiyabe National Forest. These linkages provide an absolutely necessary nexus between the urban environment and these open space areas.

We use this as an example of the type of environmental analysis and active public involvement process that the USDA Forest Service needs to encourage. This national Environmental Impact Statement, and programmatic analysis, must assure that local alternatives for addressing local issues remain available to federal decision makers. This national effort also needs to assure that the beneficial working relationships that do occur between local and federal governments are not compromised.

Sincerely,

John L. Schlegel
Director

JLS:AP:bh

COMMISSIONERS
ANTHONY L. LESPERANCE
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BRAD ROBERTS
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Board of County Commissioners

CLARK COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY ADMINISTRATION CENTER
1000 W. WASHINGTON AVENUE
LAS VEGAS, NEVADA 89102

July 12, 2000

USDA Forest Service - CAET
Attention: Roadless Area Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84122
FAX: 877-703-2494

4 1 1 5

RE: **Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement**

**Response of the Elko County Public Land Use
Advisory Commission, County of Elko, Nevada.**

RECEIVED
JUL 17 2000

Ladies/Gentlemen:

The Elko County Public Land Use Advisory Commission, Elko County, Nevada are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in Nevada and the Nevada Association of Counties. Our comments, today, are general in nature and will be supported by submission or our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

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

1. The Draft EIS appears to be Biased and Predecisional

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

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

B. The Vice President's statements regarding his preference to preserve all roadless areas on National Forest System lands in the United States. He is quoted as saying, "And

USDA Forest Service - CAET
 July 12, 2000
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just so I'm crystal clear about it: No new road building and no timber sales in the roadless areas of our national forests." Since this analysis is under the umbrella of the Executive Branch, the Forest Service may feel incumbent to follow the direction of the Vice President without conducting an objective analysis.

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

2. The Draft EIS Does Not Adequately Address the Impacts on Counties and Local Governments.

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

3. The Draft EIS Contains Numerous NEPA Deficiencies.

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

- The NEPA process must be useful to decision-makers.
- Emphasize interagency cooperation including counties.
- Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses.
- Study, develop, and describe appropriate alternatives.
- Consult early with State and local agencies.
- Invite the participation of Federal, State and Local agencies.
- Statements shall be concise, clear, and to the point, and shall be supported by evidence.
- Statements shall be analytic rather than encyclopedic.

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- Agencies shall not commit resources prejudicing selection of alternatives.
- Statements shall assess the environmental impacts, rather than justify decisions already made.
- Each statement shall contain a summary that adequately and accurately summarizes the statement.
- Rigorously identify, explore, and objectively evaluate all reasonable alternatives.
- Avoid useless bulk.
- Circulate the statement and request comments from Federal, State, and local agencies authorized to develop and enforce environmental standards.
- Incorporate material by reference only when it is reasonably available.
- Insure the scientific integrity of discussions.

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

4. The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data.

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

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

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

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

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July 12, 2000
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July 12, 2000
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5. Conclusion

As relief to our concerns, the Elko County Public Land Use Advisory Commission would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and hearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

6. Supplementary Statement.

The NEPA process is unconstitutional based on the following data:

"There are serious questions regarding the constitutionality of the implementation of NEPA and the NEPA process within the boundaries of a member State of the Union. In the case, *Public Lands Council v. United States Department of the Interior*, No. 95-CV-165-B, (decided in the United States District Court for the District of Wyoming) the Court said:

NEPA does not require the agency to reach a particular result, "It simply prescribes the necessary process." *Robertson v. Methow Valley Citizens Council*, 40 US 332,350 (1989)... The Court need not decide "whether the (FEIS) is based on the best scientific methodology available, or resolve disagreement among experts." *Seattle Audobon Society v. Moseley*, 798 F. Supp. 1473, 1479 (W.D. Wash 1992). The Court need only ensure that the agency identified areas of scientific controversy and "respond(ed) to adverse opinions held by respected scientists." *Id.* at 1482.

The, the National Environmental Policy Act does not provide for due process and operates outside of the Constitution. There are no provisions for just compensation. If anything, it only provided color of law.

Under the common law right of due process and the Constitution, a statute must be reasonably expected to correct the evil prescribed. *McInerney v. Ervin* (Fla) 46 So 839. There must always be an obvious and real connection between the actual provisions of a regulation and its avowed purpose. Under due process, any action must be based upon the findings of fact and conclusion of law. Under the NEPA process, the agencies are not required to base their decisions or actions on the finding of facts or conclusion of law."

This concludes the response submitted by the Elko County Public Land Use Advisory Commission to the Board of County Commissioners, County of Elko, Nevada.

Thank you for providing the opportunity to local county government entities to comment on the Roadless Area Conservation Draft Environmental Impact Statement.

Sincerely yours,

ROBERTA K. SKELTON
Chairman


by GEORGE R.E. BOUCHER
Elko County Manager

/jw

COMMISSIONERS
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Board of County Commissioners
 ELKO COUNTY, NEVADA
 BOARD OF COUNTY COMMISSIONERS
 1200 S. MAIN STREET, SUITE 100, SALT LAKE CITY, UT 84119

July 12, 2000

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RECEIVED
 JUL 17 2000

USDA Forest Service - CAET
 Attention: Roadless Area Proposed Rule
 P.O. Box 221090
 Salt Lake City, Utah 84122
 FAX: 877-703-2494

RE: **Roadless Area Conservation Proposed Rule
 And Draft Environmental Impact Statement**

**Response of the Board of County Commissioners
 County of Elko, Nevada.**

Ladies/Gentlemen:

The roadless policy being proposed by the United States Forest Service represents great concern to the Citizens of Elko County, Nevada. Forest Service lands represent a significant portion of the land mass of this County. They represent the principal watershed component of this County, as well as the majority of the State of Nevada. Consequently, they also represent some of the finest grazing lands found anywhere in the west. Further, the mountain ranges comprising this resource are heavily mineralized. As such, these areas have been highly productive resource areas for both economic gain as well as abundant recreational opportunities, often recognized as such, for the last 150 years.

Because of the above activities, a significant infrastructure of roads exist in this County, representing several thousand miles of all types of roads, including federal, state, county and private. This infrastructure of roads did not just occur because of someone's desire to build a road, rather, each and every one of these roads occurred because of the driving force that built this nation, civilization. The vast majority of these roads were in existence far longer than the United States Forest Service.

This County, as represented by its Board of Commissioners, has and continues to guard these roads with all of its ability for the protection of the health and welfare of the citizens. As such, the Board of Commissioners has passed unanimously two major Forest resolutions dealing with roads in Elko County. They are:

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 July 12, 2000
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1. Resolution No. 76-94, a Resolution Declaring Elko County Public Roads Across Public Lands.
2. Resolution No. 14-98, a Resolution Establishing County Law and Policy Pursuant to its Policy Within the Nevada Revised Statutes with Respect to Roads within Elko County.

To enforce these resolutions the Board of Commissioners has established a set of maps, commonly known as the "Gardner Maps", duly recorded with the County Recorder as File No. 328522 on October 26, 1992, for all to see. It is the firm resolve of the Elko County Board of Commissioners to treat any proposed road closure that is referenced in any fashion by the above resolutions, or occurs on the "Gardner Maps", in the exact same manner as this Commission has reacted to the attempts by the United States Forest Service to close the County road, commonly called the South Canyon Road, located near Jarbidge, Nevada.

Further, even though the present local administration of the United States Forest Service has assured this County that all existing roads (classified and unclassified) on Forest Service lands will be protected, it is also the firm resolve of the Elko County Board of Commissioners that the existence of these roads (classified and unclassified) must not only be protected now, but for perpetuity. Protection of existing roads (classified and unclassified) must be addressed in the final Environmental Impact Statement, as so noted in the Federal Register and other appropriate media.

Sincerely yours,

ROBERTA K. SKELTON
 Chairman

George R. E. Boucher
 by GEORGE R.E. BOUCHER
 Elko County Manager

RKS/GREB/fjw
 Enclosures

13984

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SUMMARY: Elko County Public Roads Resolution.

RESOLUTION NO. 76-94

A RESOLUTION DECLARING ELKO COUNTY PUBLIC
ROADS ACROSS PUBLIC LANDS

WHEREAS, before the territory of Nevada was settled, the area was inhabited by Native Americans and descendants of Spanish explorers; and

WHEREAS, there were no roads as we know them today, but there were single track ways, pathways, and trails connecting two points; and

WHEREAS, since that time, miners, ranchers, sportsmen, and other members of the public began establishing numerous roads and similar public travel corridors by usage across public lands; and

WHEREAS, in recent years local and state governments and others have been constructing and maintaining roads and highways by mechanical means across public lands; and

WHEREAS, these ways, pathways, trails, roads, stock driveways, highways, and similar public travel corridors have a public purpose such as but not limited to mining, ranching, recreation, water, timber, utilities, wood gathering, hunting, fishing, and sight seeing; and

WHEREAS, the Act of Congress of July 26, 1866 (RS 2477), is evidence that Congress executed a Quit Claim of any right, title or interest in any road, right-of-way, ditch, etc.; and

WHEREAS, NRS 244.155 provides: "The boards of county commissioners shall have power and jurisdiction in their respective counties to lay out, control and manage public roads, turnpikes, ferries and bridges within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carry it control and management into effect."

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ELKO COUNTY COMMISSIONERS DOES HEREBY DECLARE ON THE 17TH DAY OF AUGUST, 1994, THAT:

1. All ways, pathways, trails, roads, county highways, stock trailways, and similar public travel corridors across public lands in Elko County, Nevada, whether passable by foot, beast of burden, carts or wagons, or motorized vehicles of each and every sort, whether currently passable or impassible, that were established in the past, present or may be established in the future on public lands in Elko County, excluding Interstate 80, United States Highways 40, 93 and 93A, and State Highways 225, 226, 227, 228, 229, 232, 233, 278 and 766, are hereby declared to be Elko County Public Roads.

2. All rights-of-way to all ways, pathways, trails, roads, county highways, stock trailways, and similar public travel corridors across public lands that are declared to be Elko County Public Roads are the property of Elko County as trustee for the public users thereof and will consist of a 60 foot right-of-way or more if required to accommodate cuts and fills.

3. Elko County hereby ratifies historic practices in the County that public roads have been maintained either by usage or mechanical means and the County will continue this practice in the future. The County's decision not to mechanically maintain any pathway, trail, road, county highway or similar public travel corridor across public lands shall not terminate or affect in any way such road's status as an Elko County Public Road.

4. This resolution hereby incorporates by reference, NRS 405.193(2) which provides:

No action may be brought against the county, its officers or employees for damage suffered by a person solely as a result of the unmaintained condition of a road made public pursuant to NRS 405.195.

5. Pursuant to NRS 405.193, Elko County disclaims all duty and responsibility of maintenance of the Elko County Public Roads so designated pursuant to this resolution.

6. Abandonment or road closure of any Elko County Public Road across Public Lands must follow procedure in accordance with Nevada Revised Statutes and only after public hearings. See NRS 405.195.

7. That a copy of this Resolution be forwarded to all interested parties and the Resolution shall be followed by an ordinance.

ORIGINAL

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Proposed this 17th day of August 1994, by Elko County Commissioner Skelton
Passed and adopted this 17th day of August 1994.

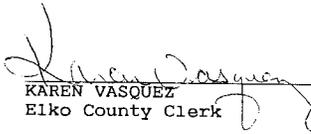
Vote: Ayes: LLEE CHAPMAN
MIKE NANNINI
ROBERTA SKELTON
BARBARA WELLINGTON

Nays: NONE

Absent: DALE PORTER


CHAIRMAN OF THE BOARD

ATTEST:


KAREN VASQUEZ
Elko County Clerk

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13984

ELKO COUNTY, NEVADA RESOLUTION # 14 - 98

A RESOLUTION FROM THE BOARD OF COMMISSIONERS, ELKO COUNTY, NEVADA, ESTABLISHING COUNTY LAW AND POLICY PURSUANT TO ITS AUTHORITY WITHIN THE NEVADA REVISED STATUTES WITH RESPECT TO ROADS WITHIN ELKO COUNTY, AND OTHER MATTER RELATED THERETO.

WHEREAS, Elko County, Nevada, is a political subdivision of the sovereign State of Nevada, and;

WHEREAS, Elko County (through its Board of County Commissioners), is charged with the fiduciary public trust obligation to protect right of way and access of roads and to protect the economic, environmental and general welfare of Elko County for its Citizens and their Rights through consistent enforcement of the Nevada Revised Statutes (NRS), Laws of the United States (USC) and Elko County Code, and;

WHEREAS, Elko County is scheduled to take action on this issue in regular session pursuant to proper request of the Citizens of Elko County and the "Regular Meeting Agenda" item dated for the Board of Commissioners meeting this day, and;

WHEREAS, the Citizens of Elko County have expressed concerns that their right of road access is under attack and has petitioned that the county take action to secure their road access within the county, and;

WHEREAS, this Board of Commissioners has reviewed certain maps setting apart the County's roads and recorded in the office of the Elko County Recorder and finds said maps to be an accurate set of documents defining the County's road structure within Elko County securing all rights of road access for its Citizens.

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WHEREAS, this Board finds that Nevada achieved statehood in 1864 and that neither the county nor its Citizens are bound by the decisions of any agency attempting to redefine roads and/or right of access under the Act of 1866 (RS2477).

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. THAT, the Board of Commissioners for Elko County, Nevada, by and through this Resolution is acting within its sovereign capacity in and for the County of Elko as the Legislative and Administrative body and that this Resolution establishes the law and policy on road access within Elko County and that said right of road access shall not be interfered with or impeded by any agency acting beyond its authority.
2. THAT, this Board establishes herein and adopts that the maps filed in the office of the Elko County Recorder, in File #/Map Case 328522, Exhibits A-1 through T-1, Sheets 1-40, properly define the county roads of Elko County, Nevada in and for the benefit of its Citizen's and the public's right of road access and the roads defined and set apart within said maps are not be construed as all inclusive.
3. THAT, Elko County reserves its sovereign right under the law to amend said maps at any time in the future for road expansion when the facts present it is necessary to do such.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Elko County Recorder (for proper recording with herein identified maps), each member of the 1997 session of the Nevada Legislature, Governor for the State of Nevada, Nevada's Attorney General, each member of Nevada's delegation to the Congress of the United

13984

States, the President of the United States, the Secretary of the Agricultural, all State and Local agencies and local federal agencies.

PROPOSED by Commissioner Chapman

Seconded by Commissioner Skelton

PASSED and ADOPTED this, 4th day of February, 1998.

VOTE:

AYES - R. Llee Chapman, Tony Lesperance, Mike Nannini, Roberta Skelton

NAYES - NONE

ABSENT - Royce L. Hackworth

SIGNED:

Mike Nannini
MIKE NANNINI, VICE CHAIRMAN

BOARD OF COUNTY COMMISSIONERS
ELKO COUNTY, NEVADA

ATTEST:

Karen Dredge
KAREN DREDGE, COUNTY CLERK

SEAL

JUL-17-2000 11:54

ESMERALDA CO. COMMISSION

K 1 2 5 6F 16085¹



BOARD OF COUNTY COMMISSIONERS
ESMERALDA COUNTY, NEVADA

MEMBERS

BENJAMIN VILJOEN, CHAIRMAN
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BEVERLY J. RELYEA
ADMINISTRATIVE ASSISTANT
(775) 485-3406; FAX: (775) 485-6351

1861

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

July 10, 2000

CAET RECEIVED

JUL 17 2000

Dear Forest Service,

RE: Forest Service Roadless Area Conservation Draft Environmental Impact Statement

The Esmeralda County Commission has conducted a review of the aforementioned document. Many disturbing findings show a definite need for significant changes in the document and the processes of evaluating and deciding on the disposition of roadless areas across the United States.

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

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

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

COURTHOUSE, P.O. BOX 517, GOLDFIELD, NEVADA 89013

JUL-17-2000 11:55

ESMERALDA CO. COMMISSION

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

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

Sincerely,

Benjamin Viljoen, Chairman
Esmeralda County Commission
State of Nevada

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State of Nevada
Esmeralda County Review of Forest Service
Roadless Area Conservation Draft Environmental Impact
Statement

Esmeralda County is in support of the comments made by Nevada Association of Counties and find following a summary of review findings.

This summary represents inconsistencies, errors, deficiencies and biases found in a detailed and comprehensive review of the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

- 1. NEPA Deficiencies
- 2. Range of Alternatives
- 3. Ecological Factors
- 4. Fire
- 5. Vegetative Treatment
- 6. Recreation
- 7. Impacts to Counties
- 8. Risk
- 9. Transportation
- 10. "Conservation" of Roadless Area
- 11. Costs of Implementation
- 12. Land Allocations
- 13. Mitigation
- 14. National vs. Local Analysis
- 15. Summary Document

1. NEPA Deficiencies

A review of the Forest Service Draft EIS indicates numerous deficiencies in meeting the Council on Environmental Quality Regulations (40 CFR 1500-1508) that govern the National Environmental Policy Act (NEPA) process. These deficiencies include:

- a. Lack of interagency cooperation and consultation with local governments

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- b. Failure to request participation from local governments
- c. Insufficient range of alternatives
- d. Taking actions that prejudice selection of alternatives
- e. Prejudiced selection of the proposed alternative
- f. Biased assumptions and conclusions
- g. Failure to support assumptions, effects, and conclusions with evidence
- h. Excess bulk, lack of clarity, and difficult to understand
- i. Incorporation of material by reference that is not readily available
- j. Inaccurate summary
- k. Lack of scientific integrity
- l. Inadequate specific information on environmental effects

2. Range of Alternatives

Far less than a full range of alternatives are to be considered within the document. Most prohibition alternatives reiterate regulation, policy or requirement by law. In example, alternatives were developed that require project level analysis or forest planning to determine effects when entering roadless areas for any reason. However, Forest Service direction, law or regulation currently requires these activities. This represents the "No Action" alternative, rather than additional alternatives. Therefore, the alternatives developed do not represent a full range as required by CEO regulations. Alternatives are developed without regard to effect on the historical use for "public" land utilization. In example "all existing roads would be scheduled for closure and removal in a timely manner". Areas have been developed historically for various reasons including conservation, ecological factors, economic factors, recreations and more. Past reasons and future uses do not disappear because the Forest Service inventories them as roadless areas. The definition of a roadless area includes "standard passenger vehicles" as a requirement; most of these roads were originally made for other types of vehicles. Such rule making will allow a permanent restriction on the future use and access to an area based solely on the fact that a road does not presently exist in the area according to Forest Service inventory.

3. Ecological Factors

The Forest Service did not take into account the ecological and resource use factors that other agencies contribute through their management for biodiversity, ecoregions, fragmentation, size, open space, roadless recreation, etc. The Bureau of Land Management, National Park Service, Fish and Wildlife Service, all should be considered. Since this analysis is on a national scale all agencies need to be considered for their contribution to the numerous ecological and resource use factor. If the Forest Service does not want this analysis on a national scale the agencies to be collaborated with are the individual county governments concerning each individual case.

4. Fire

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The document references increased risk of catastrophic fires. The need is identified for fuel reduction, through mechanical and prescribed fire treatments, to reduce risk. Ponderosa Pine forests are used as examples however this species is a short-fire interval species and does not represent a majority of forested areas across our great nation. Long-interval fire species, such as lodgepole pine and spruce should be the addressed species for aging, subject to insect and disease and contribute to fire risk. In recent years, (1988 fires in Yellowstone, Montana, Wyoming, and Idaho) many of the catastrophic fires did not occur in Ponderosa Pine ecosystems. Fireline insertions WOULD be feasible for these species as treatment against catastrophic fire. Thinning and prescribed fire are LESS feasible. The forest Service needs to display the acres of short-interval fire ecosystems v. long-interval fire ecosystems in order to comprehend the magnitude of this problem.

5. Vegetative Treatments

Much of the document references the use of fire and mechanical treatments (thinning for vegetation and ignores or provides arguments against the use of timber harvest and fire lines. The proposed action alternatives will have many of the same effects.

6. Recreation

We are opposed to broad policies to eliminate road construction just because an area is currently roadless. This policy would prohibit the future development and severely curtail multiple use activities in roadless areas even if there is a significant social value placed on that potential development or use. We believe the Forest Service SHOULD allow for the construction of roads in roadless areas if there is a locally determined social value to do so.

Historically, roads were developed for recreation, food supply (hunting & fishing), and pure enjoyment of the various areas of our great country. Never is the time to permanently close "Forest Service inventoried roadless areas" on "public" land. The definition of a Recreationist (1904) one who seeks recreation especially in the outdoors; how can this be accomplished if the person is prohibited from being on the land outdoors?

The entire recreation section focuses on the supply side of recreational opportunities. The document states the demand for roaded recreation opportunities are increasing; however the focus is on making more unroaded recreation opportunities available. If the Forest Service cannot sustain the maintenance of roads, more collaboration should be made with the county and state government in needed areas, rather than classify areas roadless to alleviate the maintenance expense.

7. Impacts to Counties

There are numerous impacts that will affect counties. We believe management decisions on individual forests should be made in cooperation with the state and local governments

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and with residents of the affected area, since these agencies and individuals will be impacted the most.

The proposed rule identifies the type of impact assessment and most impacts are described as a "qualitative discussion" and not "quantitative" analysis. This leaves local officials in the dark about how the proposal will impact their jurisdiction. During public meetings Forest Service officials state not all roads and/or trails in roadless areas will be closed. However the document states the opposite.

8. Risk

The document refers to the risk of implementing many actions. There is an appearance that the risk of catastrophic fire, greater human impact, impacts to communities, etc. is acceptable but the risk of road construction, reconstruction, and timber harvest is not acceptable. The management of forests or public land appears to be against the public rather than FOR the public.

9. Transportation

The document does not address impacts to jobs, income, and local economies as a result of prohibiting road construction, reconstruction and maintenance. Historically our "lands", and access to them, have offered the people of the United States their livelihood, pleasure and home.

10. "Conservation" of Roadless Areas

Preservation and protection of the roadless areas are what this document proposes, not "conservation". Preservation and protection leads the public to believe closure and non-use as the end result. Conservation is more appropriately defined as the "wise use" of resources - not withdrawing them from use.

11. Costs of Implementation

The draft EIS suggests that little funding will be required to implement the Proposed Action. However, many associated costs pertaining to management, including field and administrative personnel in each area along with costs pertaining to fire suppression, fuel reduction, mitigating impacts, planning, etc. are not sufficiently addressed. In addition, the Forest Service withdrew funding for FY2000 from every national forest to conduct this roadless analysis at the expense of producing local goods and services.

12. Land Allocations

Normally, the Forest service employs the forest land management planning process to make determinations of land allocation with full public input and disclosure. This document refers to special areas be designated by the Forest Service for purposes of preservation, such as conservation reserves, buffer zones, ecoregions, etc. that have no

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legal or regulatory standing in management of the national forests. This would be other rights taken away from the People of our Country.

13. Mitigation

In order to deal with the Forest Service, it is suggested in the document that communities be stripped of resources while attempting to fund their resiliency, attract new business and diversify their economy by using Rural Development funding to offset impacts. The document proposes to take funding from proactive communities to mitigate these impacts. Rather than mitigation and monies needed for rural development taken for Forest Service impacts, is not the true answer individual collaboration with local government in each individual case to eliminate these redundant rules and regulations that should not apply to "all Forest Service lands"? The Forest Service is to manage the public lands not restrict and close off from the public. Who will enjoy the closed public land, buffer zones, and special areas the Forest Service personnel?

14. National Vs. Local Analysis

The Draft EIS many times references the fact that not enough information is available to assess impacts of the proposed action or alternatives on local communities and forests. This is sufficient reason that this decision must be made at the local level using the forest plan revision process and emphasizing participation of local governments, conservation districts, rural fire departments, and counties in each individual case. A decision of this magnitude cannot be made at the national level and address all of the potential impacts to local communities and national forests.

15. Summary Document

The summary does not present a true recap of the information contained in Volume 1 of the Draft EIS. Items of utmost importance are in the summary that does not coincide with the full document. For example:

- a. The statement "No roads or trails would be closed because of the prohibitions" is included in the Summary; while the quote in Volume One states "all existing roads would be scheduled for closure and removed in a timely manner". This is misleading when reading the Summary. The main document provides unlimited discussion on why roads should be obliterated and closed rather than show the historical, economical, social or any other type of reason for continued use.
- b. The Summary omits the importance of the local managers having power to decide on the future disposition of roadless areas.
- c. Importance to community health in regard to economics, stability, dependency for survival etc. has not been defined in relation to roadless areas. These resources are the fabric that holds many communities together only the watershed and ecosystem health are defined for the importance of roadless areas in the Summary.

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Esmeralda County Commission, State of Nevada would like to take this opportunity to thank you for the invitation to comment on the aforementioned Draft Environmental Impact Statement.

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1 Resolution No. 99-C15

2
3 RESOLUTION OF THE
4 ESMERALDA COUNTY, NEVADA BOARD OF COUNTY COMMISSIONERS
5 SEEKING COOPERATIVE AGENCY STATUS; REQUESTING ASSURANCE
6 THAT ECONOMIC AND SOCIAL IMPACTS WILL BE ADEQUATELY EXPLORED;
7 AND OPPOSITION TO USFS PROPOSAL

8 WHEREAS, on October 13, 1999, President William Jefferson Clinton directed the
9 United States Forest Service [USFS] to begin "an open and public dialog" about the future
10 of purported "roadless areas" which have been inventoried by the USFS; and

11 WHEREAS, on October 19, 1999, the USFS published in the Federal Register
12 proposed rules, which, if promulgated, will immediately and, pending the conclusion of
13 public dialog and any actions resulting from that dialog, restrict certain activities, such as
14 road construction, reconstruction and maintenance, in the inventoried "roadless areas;"
15 and

16 WHEREAS, the public comment period on the current scoping hearings will end
17 December 20, 1999, with written comments to be mailed to USDA Forest Service-CAET,
18 Attn: Roadless Areas NOI, P.O. Box 221090, Salt Lake City, UT 84122; and

19 WHEREAS, the Esmeralda County, Nevada Board of Commissioners, a political
20 subdivision of the State of Nevada, has legal responsibility, authority and jurisdiction to
21 participate in and facilitate for its constituents the "open and public dialog" regarding
22 roads and "roadless areas," as called for by President Clinton. It is imperative for
23 Esmeralda County to be involved in the proposed rule-making process in order to protect
24 the economic and social viability, general well-being and other vital interests of its
25 constituents and visitors to Esmeralda County; and

26 WHEREAS, Esmeralda County has a right pursuant to 40 CFR section 1501.7 to
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1 request and receive "cooperative agency" status for purposes of this rule-making process;
2 and

3
4 WHEREAS, the Esmeralda County, Nevada Board of Commissioners agrees that it
5 is in the best interest of the constituents of Esmeralda County that, on behalf of Esmeralda
6 County, it seek cooperating agency status, it urge full investigation of the impacts of the
7 proposed rules, and it ask USFS to consider a viable alternative to the proposed action;
8 and

9
10 WHEREAS, a review of the USFS proposal(s) suggests that this is an effort to create
11 a new classification of public lands designation which would severely limit the public's
12 access to their public lands, limit or eliminate road construction in areas designated
13 "roadless," prohibit future development and curtail multiple use activities;

14 NOW THEREFORE, IT HEREBY IS RESOLVED AS FOLLOWS:

15
16 1. The Esmeralda County, Nevada Board of Commissioners, a political subdivision
17 of the State of Nevada, is on record that it opposes this broad policy, with little time given
18 to muster constructive public input, to eliminate road construction just because an area
19 is currently "roadless." In addition, the Esmeralda County, Nevada Board of
20 Commissioners is on record that the USFS should allow for the construction of roads in
21 "roadless" areas if there is a locally determined social value to do so.

22
23 2. The Esmeralda County, Nevada Board of Commissioners is also on record that
24 the USFS should extend the December 20, 1999 deadline for public comment for an
25 additional 120 days.

26 ///

27 ///

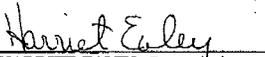
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1 3. The Clerk of the Board of Commissioners is directed to forthwith forward a copy
2 of this resolution to the USDA Forest Service-CAET at the address reflected herein.

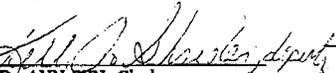
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4 PASSED, ADOPTED and APPROVED by the ESMEALDA BOARD OF COUNTY
5 COMMISSIONERS this 17th day of December, 1999.

6 
7 BENJAMIN VILJGEN, Chairman

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9
10 GARY O'CONNOR, Vice-Chairman

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12 HARRIET EALEY, Commissioner

13 ATTEST:

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15 De ANN SIRI, Clerk
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DISTRICT ATTORNEY, ESMEALDA COUNTY
P.O. BOX 339
GOLDFIELD, NEV. 89013-0339
PHONE: 775-485-8352 • FAX: 775-485-8358

TOTAL P.12

17218
Eureka County
Public Land Advisory Commission
POB 682
Eureka, NV 89316

10 July 2000

USDA Forest Service-CAET
POB 221090
Attn: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122

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PAID RECEIVED
JUL 17 2000

To Whom It May Concern:

Enclosed are the Eureka County Public Land Advisory Commission's (ECPLAC) comments and response to the Roadless Area Conservation Proposed Rule (hereinafter "proposed rule") and Draft Environmental Impact Statement (DEIS).

Executive Summary:

There are approximately 9,600 acres of the Toiyabe National Forest that are within the boundaries of Eureka County, at the southwest corner of the county. Within this portion of the Toiyabe NF, there is an "inventoried roadless area" (IRA) per Map 5 of the Humbolt-Toiyabe National Forest, dated March 1, 2000. While this area is identified as "roadless," there are in fact, at least two roads of common use within the IRA, in which Eureka County's road department have performed for the US Forest Service. The definition of "roadless" as used by the USFS is rather tortured. For example, to call the area of the Toiyabe NF within Eureka County a "inventoried roadless area," the following definition is used by the USFS: "While many in inventoried roadless areas remain 'roadless,' others have been roaded to varying degrees. If implemented, the proposed action would require responsible officials to apply the rule only to those portions of inventoried roadless areas that have not been roaded since the area was inventoried."

The Eureka County Public Land Advisory Commission supports the "no action" alternative. The Proposed Rule is unnecessary as the USFS already has sufficient and ample administrative authority to control the construction and development of roads in National Forests and USFS-controlled lands. Indeed, this is clearly stated: "Under current agency management policy, local agency officials have the authority to make decisions about road construction on the national forests and grasslands on a case-by-case basis." The Cost-Benefit Analysis contains little substance to uphold any quantifiable economic benefit from the proposed rule. And the Draft EIS does not address site-specific analysis, which is recommended in 40CFR1502.20 and 40CFR1508.28.

I. Comments on the Cost-Benefit Analysis.

ECPLAC finds several contradictory and conflicting statements in the document titled "Cost-Benefit Analysis for the Proposed Rule on Roadless Area Conservation" dated April 19, 2000, (hereinafter called "the CBA") which call into question the validity and thoroughness of the cost-benefit analysis:

- There is no cumulative analysis and the USFS does not address "past, present and reasonably foreseeable events" per the language in 40CFR1508.7.
- Throughout the entire CBA, there is little foundation, quantification or substantiation of the benefits of the proposed rule. The CBA repeatedly makes note of "qualitative" benefits, which are based on perception rather than economic analysis that is required in public policy documents, particularly a cost-benefit analysis.
- On p. 8 of the CBA, there is a statement addressing cost savings: "Implementing the rule, as proposed, could result in agency cost savings. First, local appeals and litigation about some management

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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activities in roadless areas could be reduced, which would avoid future costs.”

This statement is purely speculative. There is no data in the CBA showing how much money has been spent on litigation to date, by whom, for what and there is no quantification of how much of the litigation brought in the past might be avoided in the future. Further, there is no thought or analysis given to how much litigation might be brought against the USFS and agencies in the future as a result of this rule. Therefore, this statement is purely speculative and without any merit in the CBA.

- Also on p. 8 of the CBA, from the same paragraph: “Secondly, the reduction in miles of roads construction would reduce the number of miles the agency is responsible for maintaining, resulting in avoiding up to an additional \$565,000 per year of costs.” While the USFS enumerates this as the only quantified cost savings, there is the following quantification of increased costs on p. 10: “The procedural provisions would be applied to the 54 million acres of inventoried roadless areas, as well as up to 95 million acres of other National Forest System lands. The procedures would add about \$11 million to planning costs over the next 5-15 years.” Using a median figure of 10 years for these procedures, we can infer an increase of \$1.1 million per year in administrative costs as a result of the procedures resulting from the proposed rule.
- The CBA only briefly details the expected decreases in forest product and mineral leases, with a low estimate decrease in direct income from the proposed rule of \$9,702,000 from timber leases alone. There is no quantified analysis of how the proposed rule would result in any increase in economic activity to make up for this decrease in revenues.
- On p. 26 of the CBA, it states that “Mineral activities on National Forests and Grasslands generated over \$100 million in receipts to the U.S. Treasury...” The CBA further estimates that there are 4,684 metric tons of gold, 142,036 metric tons of silver and over 200 million tons of copper, lead and zinc resources contained in the inventoried roadless areas. There is no attempt to compute the value to the U.S. Treasury of the potential loss of mineral lease income in the proposed IRA’s and no attempt to compute the loss in state and local mineral tax revenue from the proposed rule. Further, there is no attempt to compute the secondary tax revenue decreases from the loss of jobs, sales and property taxes at the state and local levels where the proposed rule would impact local economic activity.

The net summary of all the quantifiable data that is found in the CBA shows a net loss to the U.S. Treasury from the proposed rule, with the quantifiable costs larger than the benefit by at least an order of magnitude. The effects on state and local economies are not quantified outside the timber industry, regardless of how substantial they might be. The projected savings are far below the \$8.4 billion road repair and reconstruction backlog stated in the DEIS, p. S-4. Given that Eureka County derives substantial tax and economic revenue from mining and mineral extraction activities, ECPLAC questions the adequacy of the analysis and the information in the document. Clearly, the CBA was prepared in a timeframe too short to allow for a proper and thorough analysis and it is difficult to understand how the USFS could hope to prepare a complete and thorough analysis in the timeframe the agency allowed for this activity. In area after area, the USFS attempts to reduce the required analysis to a summary of “...the overall level of activity is expected to continue to trend downward...” without any analysis of the rate of decrease, the timeframe of the trend and other basic analytic substantiation.

II. Comments on The Draft Environmental Impact Statement (DEIS).

1. The DEIS considers only this one proposed rule. The USFS has two other rules out for public comment (“Road Management Policy, 36CFR212 and “Land and Resource Management Planning Rule, 36CFR217 & 219). These three rules are related, indeed per p. S-46 of the DEIS: “It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands.” Per 40CFR1508.25(2), the impacts of these three proposed rules should be discussed in the same EIS. They are not.
2. The general and consistent manner in which the DEIS is written is very insubstantial. In most all cases, the consequences of the proposed rule are discussed in very general terms, with very little quantified impact analysis. There are few meaningful comparisons between the “no action” alternative and the preferred alternative.
3. The DEIS does not adequately analyze the impacts to the mining industry. The DEIS claims that there is not adequate information on the mining industry at the national level to assess the impact. In fact,

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

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there is substantial information available on mining revenues at the state and local level, both for private sector revenues and employment information as well as tax receipts to state and local governments. Per 40CFR1502.9, the USFS has clearly provided a DEIS which is so inadequate as to preclude meaningful analysis. Per 40CFR1502.9, “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” ECPLAC hereby formally requests a revision to the DEIS to show meaningful analysis of the impacts of the proposed rule to the mining industry.

4. In addition to the failure to adequately quantify the analysis of the impacts to the mining industry, the DEIS fails to quantify impacts to state and local government tax revenues from impacts to the mining, oil, gas and other non-forest extractive industries. There is no discussion under “Mitigation Options” (p 3-243) of mitigation of lost mining, oil and gas revenues to state and local governments.
5. Page 3-177 states that most ranchers depend on off-farm income to remain economically viable. This is not true for the majority of central, eastern and northeastern Nevada ranchers. The statement appears to originate in the “Socioeconomic Specialist Report” on Livestock Grazing, wherein it is stated “The cattle-raising subsector consists of nearly 650,000 ranches. Most are small, specializing in cow-calf and feeder cattle production. Most operators work full time off the ranch, and have operations which are suited to small-scale production.” This is a broad assessment across these 650,000 ranches nationwide. Applying such nationwide statistics to those ranchers who would be affected by the proposed rule will give a highly inaccurate assessment of the impact of the rule to ranchers with grazing allotments in the IRA’s under the proposed rule. For the majority of central/eastern Nevada ranches, the application of the national statistics leads to an utterly flawed analysis.
6. Page 3-195 and tables 3-49, 3-50 and 3-51 indicate a 50% confidence in the gross value of metals, minerals, oil, gas and coal in affected areas to be \$7.5 trillion dollars. The coal, oil and gas figures alone are quite substantial when viewed in the context of our current and future energy requirements and their economic multipliers from price increases in these commodities. Given the EPA’s incentives to electric power producers to convert to natural gas as part of an overall initiative towards cleaner air, the analysis of the proposed rule’s impact on the nation’s natural gas supply is inadequate.
7. The cumulative analysis fails to analyze all past, present and reasonably foreseeable future actions that have impacted or will impact access and use of National Forest lands, including (but not limited to) loss of timber, mining, oil and gas extraction jobs, state and local tax revenues and economic multipliers resulting from these activities.

III. Comments on the Proposed Rule.

As stated in the Executive Summary of this letter, ECPLAC believes the proposed rule is not necessary. Aside from this general finding, ECPLAC also notes the following:

1. In Section 294.11, “Definitions”, the definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should also be expanded to roads that are planned or managed or used for wheeled vehicle access.
2. The proposed rule must make clear that the definition of Road Construction, Road Maintenance and Road Reconstruction does not apply to classified roads other than USFS roads.
3. The USFS does not clearly define what constitutes road rebuilding and minor maintenance in Section 294.11.
4. In Section 294.12(b)(3), clarification and amplification is required with respect to mining claims. The rule must address the USFS’s intent with respect to locatable minerals, gas and oil deposits. Development of minerals, gas and oil that could be leased should also be clarified and excepted from the rule.
5. In Section 294.13(b)(2), too much latitude is allowed for the responsible official. This section should be removed from the proposed rule.

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

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IV. Violations of Federal Advisory Committee Act of 1972

ECPLAC also notes that in a "Preliminary Staff Review" of the US House Committee on Resources, dated February 18, 2000, that the USFS appears to be in violation of the 1972 Federal Advisory Committee Act. As stated in the Preliminary Staff Review, a recent memorandum from the Chief of the USFS on Oct. 2, 1995 warns: "no group can become a preferred source of advice for the agency without sparking FACA concerns." The Preliminary Staff Review shows that the USFS did, in fact, prefer the counsel of a small, select group of environmentalists to the exclusion of all other users of USFS lands. Further, the USFS gives ample evidence that the spirit and letter of FACA was not followed when the list of references for the CBA is examined. In a list of 50 references, only one cited source could be found that might reflect input from an affected industry or economic sector when there are no fewer than four extractive economic sectors which clearly have a large economic interests in this policy and several other groups of users of USFS lands who were not consulted at all. Clearly, there has been little consultation or input sought from the spectrum and a preference for only one point of view has been exhibited, which is clearly in violation of FACA.

These violations of FACA are especially noteworthy given the USFS's own regulations in 36CFR219 clearly specify an interdisciplinary approach to USFS resource and policy planning at the local level. The proposed rule specifically states an intent to supercede local resource and policy planning with a national policy, perhaps with an intent to sidestep adherence to 36CFR219. In light of the recent poor relationship between the USFS, district USFS officials and local communities in central and northeastern Nevada, this is clearly an unwise policy decision, with a probable outcome of further degrading the relationship between the USFS, local governments and local users of USFS lands in northeast Nevada for some time to come.

Sincerely,

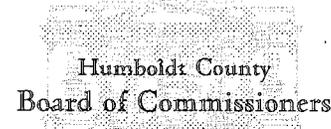
Jim Baumann,
Chairman Eureka County Public Land Advisory Commission

CC:
Eureka County Commissioners
Governor Kenny Guinn
U.S. Senator Harry Reid
U.S. Senator Richard Bryan
U.S. Representative Jim Gibbons

Eureka County Public Land Advisory Commission
Comments to the Roadless Area DEIS/Proposed Rule

County Commissioners:

JOHN H. MILTON III, *Chairman*
JANET C. KUBICHEK, *Vice Chairman*
DAN CASSINELLI
BUSTER DUFURRENA
CHUCK GIORDANO



June 28, 2000

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

CAET RECEIVED

JUL 05 2000

Dear Sirs:

Attention: Roadless Areas Proposed Rule

Thank you for the opportunity to review and comment on the proposed Roadless Areas Rule. The Humboldt County Commission has reviewed the Draft Environmental Impact Statement and would offer the following comments.

We have reviewed the map for the Santa Rosa District of the Humboldt-Toiyabe National Forest which is located in our County. This rule proposes to include 210,000 acres of the District in roadless status. The existing map shows numerous roads on the District, however we are not certain that all of the roads on the map are classified roads. We feel very strongly that none of these roads should be closed by this rule or by the proposed Road Management Rule. Consequently we would recommend that the rule be modified to allow the local Forest Manager to update the roadless inventory through the Forest Planning process to insure that all existing roads are in the inventory and will continue to be available for use by the public. Once this local analysis is completed, the boundaries of the roadless areas could be adjusted. We would also recommend under the prohibition alternative that an exception be made to allow the reconstruction of an existing road if the road is washed out or destroyed by an act of God such as a cloud burst. Our existing roads must remain open and access provided to the Forest.

We note that the DEIS speaks to the increasing demand for dispersed, developed, and road dependent recreation. In our review of this proposed rule, it appears that this demand is being ignored. As the population ages, this demand will only increase. One way to address this demand and still protect the roadless characteristics of these areas is to widen the buffer area of existing roads. While we could not find a specific reference to the buffer

-2-

size, we feel that a minimum of one half mile on each side of the road would allow the local Forest Manager the latitude to plan for recreation and other uses which are road dependent.

We also note that this rule appears to allow access to locatable minerals even if they are in a roadless area. While it appears that the level of analysis required to permit this activity is less than in the Road Management Rule, it is imperative that this access be allowed as quickly as possible and that it not be tied up in a long drawn out permitting process.

In the last year the Forest Service has issued three proposed rules which may not be consistent with each other. These are the Planning Rule, the Road Management Rule, and the Roadless Area Rule. These rules need to be reviewed together to ensure that the conflicts, contradictions, and inconsistencies are resolved prior to adoption of any of the rules. The local Forest Managers in cooperation with the people most affected must be given the authority to implement these rules at the local level. Top down driven policy is not good public land management practice.

Sincerely,

John H. Milton III
Chairman, Humboldt County Board of Commissioners

JHM/kb

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Lander County Board of Commissioners

William Elquist, Chair
Mickey Yarbrow, Vice-chair
Cheryl Lyngar, Member



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Maps in File
To be big to copy

July 12, 2000

CAET RECEIVED

JUL 13 2000

USDA Forest Service-CAET
P. O. Box 221090
Salt Lake City, UT 84122

Attention: Roadless Areas Proposed Rule

To Whom It May Concern:

Enclosed are Lander County's comments to the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS). There are approximately 300,000 acres of National Forest lands in Lander County, the majority of these lands are included in the unroaded portion of the inventoried roadless areas. Several minor County roads are included in the inventoried roadless area, and or form the boundaries of the unroaded portions. At least two areas have been identified on Forest Service maps as unroaded when in fact minor County roads appear to cross through them. Approximate locations are shown in Attachment A (T16N, R41E Elkhorn Pass and T15N, R46E Clipper Gap Canyon). A copy of the draft Lander County Road Map is included as Attachment B. Lander County intends to maintain or reconstruct these roads as necessary in accordance with direction established by the Board of County Commissioners.

Lander County supports the no-action alternative. The Forest Service already has adequate administrative authority to control road development and manage National Forest Lands. Pg. S-7 states, "Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action". In Lander County a majority of the unroaded portions of inventoried roadless areas already have vehicle access restrictions. As a result, the proposed rule is very similar to the no-action alternative. It is difficult to see how the proposed rule would achieve the purpose and need of the proposed action. The proposed rule is overly restrictive and limits local decision-making authority, particularly in communities that rely upon the development and use of natural resources on National Forest Lands.

315 South Humboldt Street <> Battle Mountain NV 89820
Phone: (775) 635-2885 <> Fax: (775) 635-5332

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National Forest Lands in Southern Lander County (Toiyabe, Shoshone and Toquima Ranges) provide for a multitude of competing uses and have a long history of mineral exploration and development. In fact, most of the unroaded roadless inventoried lands fall within active mining districts (Reese River, Birch Creek, Big Creek, Kingston, Washington, and Spencer Hot Springs). These districts (Attachment C) have produced a variety of minerals including gold, silver, tungsten, uranium, copper, lead, zinc, and molybdenum, etc. Lander County is opposed to any Forest Service administrative rules or policies that would interfere with or unnecessarily increase the cost of exploration and development of mineral resources. Each year thousand of mining claims are filed in Lander County.

The proposed rule is somewhat confusing with respect to mineral exploration and development, particularly as it relates to locatable minerals. The rule appears to allow road construction only in the case where existing valid mining claims exist. The language of the proposed rule is unclear with respect to development of claims filed in the future. The County is also opposed to the language in the rule that prohibits the development of leaseable minerals. The development of leaseable minerals is a Forest Service decision. Once the proposed rule is in place, the Forest Service could not implement a decision contrary to Section 294.12.

If the Forest Service is unwilling to include leaseable minerals in the exceptions, Lander County is opposed to any retroactive prohibition to development activities unless adequate mitigation measures are negotiated with affected parties and included in the Record of Decision as committed mitigation.

We note that Tables 3-49, 3-50, and 3-51 show that there is more than \$7.5 trillion dollars in gross value of metal, oil and gas, and coal resources on inventoried roadless areas which may never be developed due to prohibition in the rule. We find it interesting that the current administration again moves to place restrictions on western coal development perhaps looking towards other areas like Indonesia for such resources.

The analysis in the EIS indicates that natural resource users could face regulatory abuse. Page 3-143 states, "*These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics*". This section goes on to imply that an EIS would likely be required for road building in the inventoried roadless areas that would increase the cost to develop the site. There is no clear justification as to why such a requirement would now have to be more strictly enforced. The designation of an area as roadless does not necessarily result in any greater environmental impact than would occur if the area were not roadless. NEPA was not intended to become a regulatory roadblock to be used solely to increase cost and discourage development. Since mineral exploration and claim development are exempted from the proposed rule, the Forest Service cannot simply employ a more stringent standard to achieve what was not allowed in the rule.

There is no cumulative analysis. The Forest Service does not even attempt to address past, present, and reasonably foreseeable events. Instead the cumulative analysis section relies upon a discussion of two other pending rules. Clearly, the Forest Service has not met its obligation under 40CFR1508.7.

The County is concerned about the adequacy of the analysis and information in the document. This DEIS has been prepared in a somewhat expedited fashion. It is difficult to understand how the Forest Service could prepare an adequate analysis of a proposed action that affects such a large area and includes so many critical and contentious issues. In some cases there is little or no analysis of impacts and the Forest Service repeatedly attempts to down play impacts and the importance of traditional natural resource industries while promoting the so called "non-use values" of a rather small minority of the population. No where in the analysis does the Forest Service prove or show with any certainty that environmental conditions will improve even slightly over the no-action alternative. In other words the Forest Service proposal does not live up to the purpose and need described in the DEIS.

Instead this roadless initiative appears to be an attempt to pander to a rather small segment of the population who embraces "non-use values" at the expense of the timber and mining industries, communities that rely upon those resources, and more traditional recreation users. The expedited timeframe for completion, limited analysis, questionable need for the proposal, and subversion of true public debate undermines the credibility of the Forest Service and further erodes the trust and confidence our community has in this agency's ability to manage lands and resources. For these reasons and the comments attached, the Forest Service should withdraw this proposal or adopt the no-action alternative.

If you have any questions concerning this proposal, please do not hesitate to call me at (775) 635-2885.

Sincerely,



Bill Elquist, Chair
Lander County Board of Commissioners

BE/sr

Attachments

cc: Governor Kenny Guinn w/comments
U.S. Senator Reid w/comments
U.S. Senator Bryan w/comments
Congressman Gibbons w/comments

**Lander County, Nevada Comments to
The Roadless Area Conservation Proposed Rule
And Draft Environmental Impact Statement**

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JUL 15 2006

I. Comments on the Proposed Rule

The proposed rule is unnecessary. The Forest Service has the ability to manage lands for road development under their current authority. In Lander County most unroaded portions of an inventoried roadless area are already within travel restricted areas.

Section 294.11 Definitions

The definition of a classified road under 294.11(1) should specifically include RS2477 roads. The definition should be expanded to roads that are *planned or managed, or used* for motor vehicle access.

Section 294.11 (3) *Rebuilding* This Section is unduly restrictive. It appears that it would apply to a classified road that is currently below its service level. The definition makes no distinction between classified and unclassified roads.

The proposed rule needs to make clear that the definition of *Road Construction, Road Maintenance, and Road Reconstruction* do not apply to classified roads other than Forest Service Roads.

The Forest Service needs to distinguish between minor maintenance under Section 294.11 and road rebuilding and what criteria constitute rebuilding.

Section 294.12

Section 294.12 (a) applies to classified and unclassified roads. By definition an unroaded area does not have classified roads in it. It also appears that the Forest Service is attempting to apply this prohibition to non-Forest Service roads for which they have no administrative authority. Lander County would not abide by any federal restriction that would deny the County the ability to reconstruct their existing roads classified or otherwise, or to construct new roads on existing rights-of-way.

Section 294.12 (b)(3) This section needs to be clarified, particularly with respect to mining claims. The analysis of the proposed rule indicates that road construction and reconstruction would be permitted for valid existing rights... under the General Mining Law of 1872. It is unclear whether roads would be permitted for claims filed after the proposed rule. The rule should be changed to clearly reflect the Forest Service's intent with respect to locatable minerals. The development of leasable minerals should also be included under this Section as an exception.

Section 294.13

Lander County is adamantly opposed to Section 294.13(b)(2). This language provides far too much discretion for the responsible official. This situation can lead to abuse of the administrative authority granted under this rule and creates a continued atmosphere of mistrust between local residents and the federal government. This section should be dropped from the proposed language.

The proposed rule also needs to contain a provision to resolve road disputes at the local level. It is very possible that the roadless inventories are inaccurate and will have some disputed roads, particularly state, county and RS2477 roads.

II. Comments on the DEIS

General Comments:

1. The DEIS does not contain sufficient information to prepare site-specific analysis. The level of detail provided is consistent with a programmatic or comprehensive EIS used to evaluate national policy directives. The development of a programmatic EIS is followed by tiered EIS(s) to more adequately analyze site-specific impacts as recommended in 40CFR1502.20 and 40CFR1508.28. Does this EIS contain the appropriate site-specific analysis to implement the decision? Please explain.
2. Statements made on pg. 1-11 clearly indicates that this DEIS is to address national level issues and does not have the ability in many instances to address site specific issues.
3. The proposed rule along with the other pending rules are related actions that should be considered in one EIS. Page S-46 indicates that there are two other related rulemaking proceedings (Proposed Planning Rule and the Proposed Road Management Rule). Page S-46 states, " *It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands*". Furthermore pg S-46 indicates that the proposed rules combined may have cumulative impacts. These three actions clearly fall with the scope of an EIS consistent with the direction under 40CFR1508.25. Why did the Forest Service threat the proposed rules separate actions in violation of the aforementioned regulation? These three actions could be easily consolidated into one proposed action and evaluated in a manner consistent with Council on Environmental Quality's guidelines. Proceeding separately appears to be a blatant attempt to segment three closely related actions.

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4. Alternatives 2, 3 and 4 are virtually the same. There is little or no difference in terms of impacts among these alternatives. Each one provides varying degrees of timber harvest otherwise they are the same. The Forest Service has failed to adequately develop a full range of alternatives under NEPA. None of the alternatives result in significantly different impacts. In many instances the impacts are virtually the same. As a result, the Forest Service has failed to meet the requirements of 40CFR1502.14. The alternatives are nothing but strawman proposals. The Forest Service needs to consider an alternative that allows leasable minerals and analyzes the impacts and compares those impacts against the no-action alternative.
5. The DEIS has failed to adequately analyze the impacts to mining instead claiming that adequate information is not available at the national level to assess the impact. Substantial information is available locally that allows for such an assessment. The time required to assemble such information would likely take longer than the Administration would like and delay the record setting pace the Forest Service has established for the preparation of a draft EIS.
6. The DEIS must also examine the potential impacts of designating "other roadless areas". Other unroaded areas are not included in the proposed action or analyzed in the DEIS. The amount of lands that could be designated is substantial. Although it is difficult, if not impossible, to know exactly which lands would be designated as unroaded, the Forest Service should consider a worst-case scenario where all the lands would be included.
7. It appears that the evaluation of environmental consequences focuses on inventoried roadless areas whereas the prohibitions of the proposed rule primarily applies to the unroaded portions. Please provide the justification for using roadless area instead of the unroaded portion of the roadless area.
8. There is not a credible impact analysis provided in this document. The analysis of impacts for most resources contains a discussion of roads miles and makes generalized conclusions based upon road miles. The analysis assumes that road construction or reconstruction would create an impact without providing any justification. It does not consider a host of standard operating procedures and other mitigation that would minimize road construction and related project impacts.
9. The cumulative analysis fails to adequately analyze all past, present and reasonably foreseeable actions that have impacted access and use of National Forest lands including the extensive loss of timber jobs and harvest due to other prohibitions. Cumulative actions are often inappropriately integrated into the baseline description in an attempt to mask their impact.

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10. The overall approach to the analysis is disturbing. In most cases the environmental consequences section provides little in terms of real impact analysis. Many of the section are generalized impacts based upon the potential for road miles. There are few, if any, real meaningful comparisons of impacts between the no-action alternative and action alternative.

Specific Comments

11. Pg. 3-13 discusses the Forest Service Road System. Based upon the discussion it appears that most roads use is generated by recreation users, solitude seekers, etc. The Forest Service needs to devise a plan to recoup user fees from this group.
12. Pg. 3-13 Forest Service Road System. This Section needs to include a map showing planned road construction by region.
13. Pg. 3-15 indicates that road construction has declined to about 192 miles a year in 1999 with decommissioning of nearly 2,660 miles of road per year resulting in a net loss of 2,468 miles per year. This represents a cumulative impact that should be analyzed along with the roadless initiative. Please provide a discussion of the types of roads decommissioned each year. How many miles would affect the inventoried areas?
14. Pg. 3-15 last para and again on pg 3-23 indicate that best management practices for road planning, design and construction can minimize adverse environmental impacts. Please define and quantify remaining impacts. Are these best management practices assumed in the baseline and the no-action alternative? If so, the roadless initiative would appear to provide only a slight marginal improvement (perhaps insignificant) in the ecological health of the some areas affected by this proposal. Following the same logic, decommissioning efforts have a far greater impact on Forest Health than this proposal.
15. Pg. 3-18 and 3-19 indicates that 1,444 miles of road are planned for construction over the next four years-please show locations on a map(s). Approximately 806 acres of road disturbance are timber related. Since timber harvest would not occur in Nevada (with the exception of small amounts in the Sierra Nevada range), only roads for non-timber related purposes would be constructed or reconstructed. Total non-timber planned road construction in the Intermountain Region over the next four years would be 152 miles which would disturb approximately 500 acres. Even if the entire 152 miles were in roadless areas of Nevada, this would account for .0156 percent of the inventoried roadless area in Nevada. Specifically what beneficial impact would this have on inventoried roadless areas in Nevada? How does the protection of this minuscule amount of land achieve the action's purpose and need?

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16. Table 3-19 needs to be consistent with Table 3-4. How many miles of planned road construction are reconstruction activities by region?
 17. Pg. 3-20 Ecological Factors-The EIS needs to contain maps that show areas most likely to be impacted and roadless areas where timber harvest would be curtailed due to this proposal.
 18. Pg. 3-22 Watershed Health. This entire discussion relates primarily to timber harvest areas. Can we assume that watershed health, water quantity and timing are not significant issues outside timber harvest areas.
 19. Page 3-142 Where is the baseline description for minerals and geology. At a minimum the description should show existing mining operations, proposed mining operations that require roads, areas of known valuable resource deposits. Much of the areas in southern Lander County are contained within four mining districts (See Attachment C).
 20. Page 3-143 states, "An EIS would likely be required for proposed activities that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more" What is the justification for this statement? It is inappropriate to make such a generalized statement in this EIS. The analysis in this EIS cannot support such a statement since it does not analyze with any detail regional or site-specific locations. Requiring the preparation of an EIS is not part of the proposed action and it should not be treated as such in this document. An EIS is required to study the potential impact of a proposal. Whether or not an area has a certain designation is irrelevant.
 21. Page 3-143 states, "There is currently a trend of decreasing interest by the minerals industry.....appeals and lawsuits". This statement describes cumulative impacts and should be considered in the cumulative analysis section. Also the Forest Service needs to provide some general impact analysis related to this statement i.e loss of jobs, income, taxes, etc.
 22. Page 3-143 The analysis in this section is inadequate because it only discusses additional regulatory measures imposed by the Forest Service that may create additional delay and cost. By including this type of language presupposes that the Services already knows what the impacts are. Furthermore, the EIS does not consider appropriate mitigation measures. There is nothing in this EIS that could even justify for anyone project the need for an EIS.
 23. Page 3-143 states, "These alternatives could affect a more liberal use of SUDs as a management option for locatable mineral activities in inventoried roadless areas to assure the highest degree of protection for roadless characteristics". Again this statement implies a degree of regulatory abuse and attempts to circumvent the Mining Law.

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24. Page 3-144 The description of the affected environment needs to include some description the types of leasable minerals developed on NFS lands and the quantities of extraction. There is no way to gauge the order of magnitude of the impact without the appropriate baseline information.
 25. Page 3-144 and 145. The analysis needs to include areas that have the potential for leasable minerals. Those areas that are within the unroaded portion of the roadless area should be shown. Estimates of leasable minerals on the unroaded portion should be compared to leasable mineral deposits outside roadless areas. Estimates of potential losses from the prohibition of this resource should be estimated in the EIS.
 26. Page 3-145 indicates that standing decisions with regard to leasable minerals could be reviewed. The Service needs to be clear with respect to retroactively changing previous decisions. Private companies involved in leasable mineral venture may have already allocated significant amounts of money for exploration and development. At a minimum, mitigation needs to be proposed for situations where private entities have committed funding to resource development.
 27. Page 3-145 last paragraph states, "Thus, there is an opportunity cost to these alternatives, but the magnitude is unknown". The Forest Services needs to make a good faith estimate of the magnitude of impact. Page 3-143 identifies a list of potentially cumulative impacts which should be integrated into this section and thoroughly analyzed.
 28. Page 3-177 States that most ranchers depend on off-farm sources of income to remain economically viable. That is for the most part an untrue statement of central Nevada. The statement implies that livestock production is merely a hobby and way of life rather than a valuable commodity and food source. How many ranching operations have been forced into this situation from allotment reductions and other regulatory constraints imposed by federal agencies?
 29. Page 3-182 Affected Environment Timber Harvest. The discussion in the first page is a cumulative impact that has resulted from regulatory and environmental restrictions place on timber producers by federal land management agencies.
 30. Pg. 3-193 states, "Like most extractive industries, mechanization has led to a decrease in the number of jobs per unit of output". This statement may be true, however, mining contributes indirectly to jobs in the manufacturing sector. In Nevada mining directly provides approximately 15,000 jobs. For each direct job, mining generates another .75 jobs in the Nevada economy resulting in some 26,250 jobs in Nevada. The analysis should include the indirect benefits as well. Mining provides a substantial amount of local government resources through sales and property tax.

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- 31. Pg. 3-193 No Action Alternative states a downward trend is in place. The only reason for a permanent downward trend is Forest Service policy towards the mineral industry. Market fluctuations create the cyclical nature but it is difficult to predict a continuing downward trend.
- 32. Pg. 3-194 states, "The prohibition of road construction or reconstruction in inventoried roadless areas is more likely....". The proposed rule only considers the unroaded portion of the roadless area.
- 33. Pg 3-195 Tables 3-49 through 3-51 indicates that the gross value of metals, oil and gas, and coal exceeds more than \$7.5 trillion dollars. Does the Forest Service consider limiting access to some \$ 7 trillion dollars worth oil, gas, and coal a significant impact? Perhaps the coal can be obtained from Indonesian?
- 34. Cumulative Impacts This section contains a page or two about cumulative impacts related only to the other proposed rules and ignores many of the past, present and foreseeable actions which may have cumulative impacts particularly on the timber industry and timber dependent communities. The impact of the related proposed rules should be included with this analysis along with other restrictions and regulations that have created similar impacts to affected areas and needs to be analyzed. Clearly, the Forest Service has not met the requirements under 40 CFR1508.7. This section is so poorly developed that it is not worth making any further comments.
- 35. Page 3-243 The Mitigation Options need to be committed in the Record of Decision. Otherwise they are meaningless.



BOARD OF COUNTY COMMISSIONERS

LYON COUNTY • NEVADA

27 SOUTH MAIN STREET • YERINGTON • NEVADA 89447

(775) 463-6531

FROM OTHER AREAS OF THE COUNTY

(775) 577-5037

FAX: (775) 463-6533

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DAVID FULSTONE II

LEROY GOODMAN

CHESTER HILLIARD

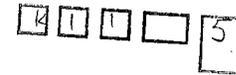
PHYLLIS HUNEWILL

BOB MILZ

STEPHEN SNYDER

COUNTY MANAGER

July 14, 2000



Mr. Mike Dombek, Chief
 USDA Forest Service
 P.O. Box 221090
 Attn: Roadless Areas Proposed Rule
 Salt Lake City, Utah 84122

CAET RECEIVED
JUL 17 2000

Dear Mr. Dombek:

The Lyon County, Nevada, Board of County Commissioner's is aware of the Draft EIS on Roadless Area Conservation, and have received various documents, data, and information regarding the Draft EIS. Based on our review, the Forest Service has two courses of action. We request that you:

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

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Mr. Mike Dombeck
Roadless Area Proposed Rule

July 14, 2000
Page -2-

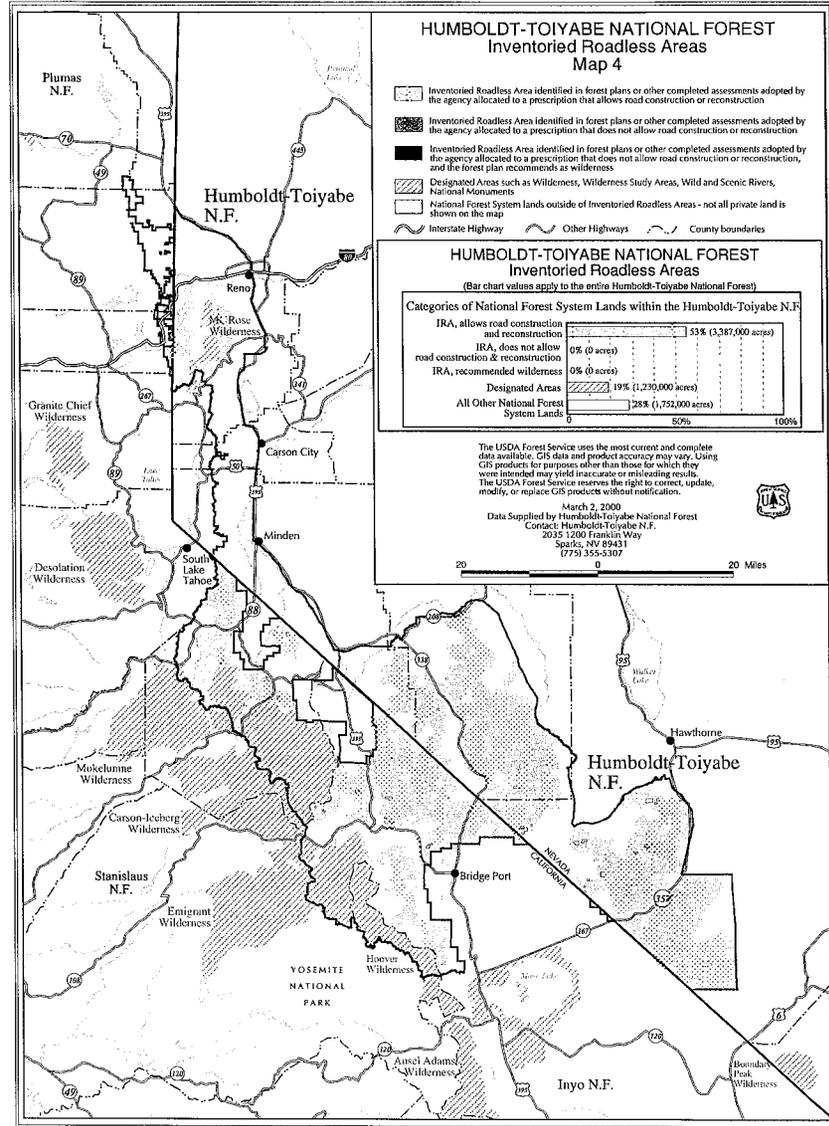
If you choose not to pursue either of the above courses of action, request is to extend the comment period for review of the Draft EIS another 180 days. The document cites over 350 references that local governments cannot possible acquire and review within the 60 day comment period.

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

Sincerely,

LeRoy Goodman
for LeRoy Goodman
Chairman,
Lyon County Board of Commissioners

cc: Nevada Association of Counties
Lyon County Board of Commissioners



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NACO
NEVADA ASSOCIATION OF COUNTIES

308 NORTH CURRY STREET, SUITE 205 • CARSON CITY, NEVADA 89703 (775) 863-7863 FAX (775) 883-7398

JUN 28 2000
LYON CO. COMM.



BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, NEVADA
31 SOUTH MAIN STREET, YERINGTON, NEVADA 89447
(775) 463-6531
FROM OTHER AREAS OF THE COUNTY
(775) 577-5037
FAX: (775) 463-6533

TO: NACO Board Members and County Contacts
FROM: Robert S. Hadfield
RE: Forest Service Roadless Area Draft Environmental Impact Statement
DATE: June 27, 2000

AGENDA REQUEST FORM

#13

MEETING DATE REQUESTED: July 6, 2000

SUBJECT TITLE:

NACO request for comments on U.S. Forest Service Draft EIS on proposed roadless area conservation.

DISCUSSION:

Nevada Association of Counties (NACO) has circulated information on the U.S.F.S. proposed roadless area conservation draft EIS, and is soliciting comments and response to the draft EIS by individual county's within Nevada.

RECOMMENDED ACTION:

Adopt comments suggested by NACO, and forward to the U.S.F.S.

FUNDING SOURCE:

N/A

REQUESTED BY:

NACO

PREPARED BY:

Maureen Willis

REVIEWED BY:

Stephen Snyder, County Manager

MEMO MEMO MEMO MEMO MEMO MEMO

You have been mailed documents obtained by NACO for use by our membership in understanding and addressing the Forest Service Roadless Area Conservation Draft Environmental Impact Statement.

These documents are available on the Internet for your use in customizing the comments for your county's needs. The author of the documents is Environmental Tracking and Review Services. Their website is: www.e-tarservices.com. Click the Login button and a state window will pop up. Select Nevada and the next window will display a list of counties and at the top, Roadless NEPA Review. Click Roadless NEPA Review and a window will query you for a user ID and a password. Type in: USER ID: roadless. Password: nepareview. This will bring you to the web page menu containing all the documents you have been mailed. Each document's location on the website is listed on the bottom of the pages you have been mailed.

Please feel free to make use of these comments.

FS Roadless DEIS Environmental Tracking and Review Services**"Simplifying Federal Agency Decision-Making"****Review of
Forest Service
Roadless Area Conservation
Draft Environmental Impact Statement****Comments Must be Received by July 17, 2000****Suggested Statements Counties Can Make
At Public Comment Meetings On
The Forest Service Roadless Area Conservation
Draft Environmental Impact Statement**

The County Commissioners of (Name of County), (Name of State) are submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement. We are in the process of conducting a detailed and comprehensive review of the Draft EIS in conjunction with other counties in (Name of State) and the (Name of other organizations). My comments, today, are general in nature and will be supported by submission or our detailed review to the Chief, USDA-Forest Service prior to the close of the comment period on July 17, 2000.

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

1. The Draft EIS appears to be Biased and Predecisional

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

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

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

<http://www.e-tarservices.com/roadless/sugcom.htm>

06/23/2000

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

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

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

3. The Draft EIS Contains Numerous NEPA Deficiencies

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

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

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

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

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

<http://www.e-tarservices.com/roadless/sugcom.htm>

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

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

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

5. Conclusion

As relief to our concerns, the Commissioners of (County Name) would like to go on record in requesting the Forest Service, either,

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

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

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

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

E-TAR Services enables you to be effectively involved in Federal agency decision-making. Your custom subscription gives you the legal tools you need to shape agency alternatives, assure your issues and concerns area addressed, and establish your legal standing for appeals and litigation. There is no better, faster method to be effectively involved.

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06/23/2000

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

From: Dick Carver, Chairman
Nye County Board of Commissioner
HCR 60 Box 5400
Round Mountain, Nevada 89045
775-377-2175 or 482-8103

Re: Road Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS)

July 13, 2000

I, Richard L. Carver, Chairman, Board of Nye County Nevada Commissioner is submitting the following comments for consideration on the Forest Service Roadless Area Conservation Draft Environmental Impact Statement (DEIS) involving approximately 1,119,000 acres of roadless designation in Nye County, very roughly over 1/3 of the roadless designation in Nevada, whereby only 01.98% of the Nye County land mass is private property.

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

1. The DEIS appears to be Biased and Pre-decisional
2. The DEIS does not adequately address the impacts on Counties and Local Governments
3. The DEIS contains numerous NEPA Deficiencies
4. The DEIS contains Discrepancies and Contradictions relating to Conclusions and Data
5. THE DEIS failed to address my request as an alternative to any proposed action initiating and EIS following 40 CFR 1502.14 regarding a pilot project to resolve RS 2477 issues prior to designation of roadless areas
6. The DEIS fails to recognize and adequately address existing road rights-of-way and rights-of-use that are claimed and owned by county government(s) and included within areas determined ROADLESS by the Forest Service.
7. The DEIS fails to recognize and adequately address Nye County Nevada law defining a "Nye County Public Road" Federal Courts have held that Administrative Agencies lack authority effectively to repeal the statute by regulations.

Roadless Area Conservation

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Therefore, the Forest Service must withdraw the proposed rule and subsequent documentation and proceed with the No Action Alternative allowing for normal land management planning processes based on the following:

I have many constituents, friends and family that access the public domain for multiple uses for their livelihood and/or recreational purposes today. My father came to Nye County, Nevada from California in 1938. He purchased a ranch in Smoky Valley where he established a "right-to-use" the public access corridors across the public domain to utilize his forage rights, water rights, to cut fire wood and fence posts, to prospect, hunt, fish and enjoy life and to raise his family, to mention a few. My great grandfather and the Carver Family trailed 800 head of cattle across the Great Basin during the California Gold Rush recognizing their "right-to-use" liberty. At that time there was no State of Nevada or California, but there were individuals applying labor with the resources establishing a "property right", access being one of those "rights".

Our Nevada Constitution recognizes; "all men are, by nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; acquiring, possessing and defending property and pursuing and obtaining safety and happiness (Art 1 Sec 1).

Many people across America have helped me understand and develop this text on the history and legal grounds concerning access across our public domain. For many years we have been allowing the Federal Government to close access to the public domain because we did not have an understanding of the "road jurisdiction" issue. I have been a Nye County Commissioner for almost 12 years. If government is instituted for the protection and benefit of the people, what is my duty as an elected official as applied to public roads issues? Being a Constitutional officer of the State of Nevada, I have a duty to protect and defend property rights, including the "right-to-use" and/or "right of way" across our public domain, based on the following:

Nevada Constitution; "All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people ..."(Art 1 Sec 2)

Off highway vehicles are valued today in Nye County for transportation just like horses were valued for transportation one hundred years ago. Many of us in Nye County rely on "Nye County public roads" across our public domain, commonly referred to as public lands, allowing access to Nye County's tax base and, to access the public domain for recreational purposes, grazing, mineral extraction, timber harvest, etc. Nye County has worked hard in keeping our public roads across our public domain open for our young, our senior and our disabled. The closing of access roads across the public domain discriminates against both our young and senior generations alike.

Every canyon within the National Forest System lands in Nye County, if not all canyons have single-track ways, pathways and/or other trails connecting two points that have been historically used by the public. Primitve as they may be, they are in fact "Nye County public roads" just as a modern day paved street in our county seat of Tonopah is a "Nye County public road". Based on the definition of a "Nye County Public Road", there are no areas of

five thousand acres or more that are considered roadless by the Nye County Board of Commissioner within the National Forest System lands in Nye County. Nye County law defining a "Nye County Public Road" does not violate the supremacy clause of the United States Constitution to the extent it applies to roads for which a valid existing right-of-way exists under federal law (see US v. Nye County).

A little about Nye County, Nye County is the third largest county in the continental United States, covering over 18,155 square miles. Nye County is the shape of a hammer, about 170 miles wide and about 220 miles long. Nye County has the county seat in Tonopah and a second complete county courthouse in Pahrump, 170 miles away. Pahrump is about 60 miles west of Las Vegas and is one of the fastest growing communities in America. Our largest community, Pahrump, with a population of 30 to 35 thousand people today, is made up of about 70% senior citizens. Nye County is rated one of the fastest growing counties in America. Nye County is struggling to provide services to its people whereby only 01.98% of Nye County's land mass is privately owned and on the tax roll. The current land status is as follows:

U.S. Government	97.77%
BLM	56.36
USFS	16.93
DOD	16.75
DOE	06.60
NPS	00.93
USF&WS	00.21
State of Nevada	00.18
Native American	00.07
Private	01.98

Nye County's survival, economically and socially is very dependent upon the access to and across the public domain within Nye County. RS 2477 rights-of-way are important components of state and local infrastructure, essential to the economic growth and social well being of the entire rural west.

Historically mining and ranching have been the backbone of our tax base. Today, the largest single taxpayer in Nye County is a world-class gold mine being operated on private and the public domain lands. We do not want mining and mine exploration restricted, more than it is today, as it will eliminate the future mineral production in Nye County and the entire west altogether. The mining law of 1872 gives the people of America the "right" to explore, locate, and mine minerals on the public domain. Denying miners access violates the 1872 Mining Act. In the first Forest Manual issued June 14, 1907; "Uses of the National Forest " page 27

"Prospecting and Mining proceeds just as on the open public domain. National Forests do not interfere with these matters at all".

Ranching followed the mining booms here in Nevada to supply food for the miners. Property rights to the forage for livestock grazing were established on the public domain well over a

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hundred years ago. Access to the public domain, (including but not limited to the public lands managed by the Bureau of Land Management and the National Forest System lands managed by the U.S. Department of Agriculture Forest Service), is a key component to a viable mineral and livestock industry.

Today access to the public domain for recreation is of great importance to the people and economy of Nye County. Recreational opportunities are much more important to Nye County today than 75 years ago as recreational income has to take the place of the lost revenue to the county because of the decline in mining and ranching. Whether you are talking about mining, ranching, or recreation, they all involve access, and associated "rights". Whenever a federal agency is undertaking an Environmental Impact Statement (EIS) involving road or roadless issues and/or policy, they must completely address the impacts on the social and economical stability of the county's tax base.

The Federal Land Policy and Management Act of 1976 (FLPMA) states in part as follows: "That Congress declares that it is the policy of the United States that...goals and objectives be established by law and guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law." Any , road closures will diminish the multiple use of our public domain.

Many of us are of the understanding that when the wilderness areas were designated wilderness several years ago within the National Forest System land, there would be no more wilderness consideration in Nye County. When the Forest Service was doing roadless inventory in 1997-98, I asked an assistant forest supervisor what if a county definition of a "road" differed from the Forest Service definition, what definition did we have to follow? Her reply was that we had to follow the county's definition.

NYE COUNTY LAW defines the term "Nye County Public Road" as each and every way, pathway, trail, stock trail and driveway, road, county highway, railbed and other similar public travel corridors across public lands in Nye County, connecting two points of societal importance (regardless of whether the points so connected are located inside or outside the boundaries of Nye County), whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized/mechanized vehicles of each and every sort, whether currently passable or impassable, that was established and accepted by public use and enjoyment under common law doctrines of property rights; under R.S. 2477, but only if established and accepted by public use and enjoyment before October 21, 1976; or under other statutory authority, except as follows: State Highways 160, 361, 372, 373, 374, 375, 376, 377, 378, 379, 844 and U.S. Highways 6 and 95 are not Nye County Public Roads.

Forest Service definitions cannot pre-empt state or local laws or any Congressional Act. The Federal court recently ruled that "Administrative Agencies lack authority effectively to repeal the statute by regulations." (USA v. Shumway) Now let us compare the definitions established by statutes of the United States Congress versus that of the United States Forest Service, and also included is the different Forest Service Definitions.

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USC TITLE 23

PUBLIC ROAD – Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

PUBLIC AUTHORITY – A federal, state, county, town or township, Indian tribe, municipal or other local governments or instrumentality with authority to finance, build operate or maintain toll or toll-free facilities.

PUBLIC LANDS HIGHWAY – A Forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through un-appropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

FOREST ROAD OR TRAIL – A road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest system and the use and development of its resources. (Special Note – this does not mention Forest Service jurisdiction)

FEDERAL LANDS HIGHWAY – Forest highway, public lands highway, park roads, parkways, and Indian Reservation road which are public roads

FOREST DEVELOPMENT ROADS OR TRAILS – A forest road or trail under the

FOREST SERVICE

PUBLIC ROAD – Any road or street under the jurisdiction of and maintained by a public authority and open to public travel. (Federal Register 03-03-2000)

PUBLIC ROAD – A road open to public travel under the jurisdiction of and maintained by a public authority such as state, counties, and local communities. (Forest Service Road Analysis 1999)

FOREST ROAD – A road wholly or partly within, or adjacent to, and servicing the National Forest System and which is necessary for the protection, administration and utilization of the National Forest System and the use and development of its resources. (Federal Register 03-03-2000)

FOREST SERVICE ROAD – A forest road under the jurisdiction of the Forest Service. (Federal Register 03-03-2000)

FOREST DEVELOPMENT ROAD – A road wholly or partly within or adjacent to a

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jurisdiction of the Forest Service.

national forest boundary and necessary for protecting, administering, and using National Forest lands which the Forest Service has authorized and over which the agency maintain jurisdiction. (Forest Service Road Analysis 1999) (Note: compare with USC Title 23 Forest Road or trail above)

ROADS – A motor vehicle travel-way over 50 inches wide, unless classified and managed as a trail. (Federal register 03-03-200)

CLASSIFIED ROADS – Roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads. (Federal Register 03-03-2000)

CLASSIFIED ROAD – A road constructed or maintained for long-term highway vehicle use. (Forest Service Road Analysis 1999)

UNCLASSIFIED ROAD – Roads not intended to be part of and not manage as part of the Forest Transportation System, such as temporary roads, and unplanned roads, off-road vehicle tracks and abandoned travel-ways. (Federal Register 03-03-2000)

FOREST TRANSPORTATION SYSTEM – Those facilities, including Forest Service roads bridges, culverts, trails, parking lots, log transfer facilities, road safety and other appurtenances, and airfields in the transportation network and under the jurisdiction of the Forest service. (Federal register 03-03-2000)

ROADS SUBJECT TO THE HIGHWAY SAFETY ACT – Forest Service roads that are open to use by the public for standard passenger cars. (Federal Register 03-03-2000)

ROADLESS AREA – An area without any roads which have been constructed or

improved, and which are maintained for use an passable by standard passenger vehicles. (Humbolt-Toiyabe 1998 Undeveloped / Roadless Inventory Executive Summary)

Wake up America! Federal Register/ Vol. 65 No 43/ Friday March 3, 2000 states as follows in two different sections:

CIVIL JUSTICE REFORM ACT

THIS PROPOSED RULE REVISION HAS BEEN REVIEWED UNDER EXECUTIVE ORDER 12988, CIVIL JUSTICE REFORM. THE PROPOSED REVISION WOULD (1) PREEMPT ALL STATE AND LOCAL LAWS AND REGULATIONS THAT ARE FOUND TO BE IN CONFLICT WITH OR THAT WOULD IMPEDE ITS FULL IMPLEMENTATION; (2) WOULD NOT RETROACTIVELY AFFECT EXISTING PERMITS, CONTRACTS, OR OTHER INSTRUMENTS AUTHORIZING THE OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS; (3) DOES NOT REQUIRE ADMINISTRATIVE PROCEEDINGS BEFORE PARTIES MAY FILE SUIT IN COURT CHALLENGING THESE PROVISIONS.

(1) Federal Regulations cannot preempt state and local laws (2) no mention of prior existing rights or RS 2477 rights-of-way

FEDERALISM

THE AGENCY HAS CONSIDERED THIS PROPOSED RULE UNDER THE REQUIREMENTS OF EXECUTIVE ORDER 12612 AND HAS MADE A PRELIMINARY ASSESSMENT THAT THE RULE WILL NOT HAVE SUBSTANTIAL DIRECT EFFECTS ON THE STATES, OR THE RELATIONSHIP BETWEEN THE NATIONAL GOVERNMENT AND THE STATES, OR ON THE DISTRIBUTION OF POWER AND RESPONSIBILITIES AMONG THE VARIOUS LEVELS OF GOVERNMENT. THEREFORE THE AGENCY HAS DETERMINED THAT NO FURTHER ASSESSMENT OF FEDERALISM IMPLICATIONS IS NECESSARY AT THIS TIME.

Proposed rule will have substantial direct effect on county governments survival; both economic growth and social well being.

For about ten years now, Nye County has been a leader in the public domain road jurisdiction issue in the West. A great many people's livelihood depends on access across the public domain in Nye County. "Hostility and distrust" is fueled by certain individuals within the agencies misinterpreting federal law, regulations, court decisions and disregarding state law. A few months ago a cabin was destroyed outside of Pahrump by Forest Service officials. Several

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years ago a cabin was burned by Forest Service officials in San Juan Canyon on private lands so the road could be closed to protect the wildlife. In 1994, the U.S. Attorney's office met with the Forest Service, BLM and the FBI discussing the best approach to take to be the most effective at stopping the CARVER CRUSADE. In 1997 the Forest Service filed a violation against me charging me \$83,000.00 for damage done to archeological resources in Jefferson Canyon, knowing very well that I had sovereign immunity as a county commissioner, and the attached regulations to the violations exempt road maintenance from Archeological Resource Protection Act (ARPA) regulation. Trust is not a given, it must be earned. When a trust is developed, the "hostility" will go away.

I believe as many do, any federal agency action involving access issues across public domain is circumventing Public Law 104-208 of 1997. Section 108 states as follows: "No final rule or regulation of any agency of the federal government pertaining to the recognition, management or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act." General council of GAO reported that Congress intended Section 108 to be permanent.

Which did we have first, the federal government or the state government? Which did we have first, state government or county governments? County's existed long before states. The power of government comes from the people. Governments are instituted among men deriving their just powers from the consent of the governed. The United States of America Constitution divides authority between the federal government and the state governments. The United States of America Constitution only delegates to the federal government the ability to create post offices and post roads. Establishment and maintenance of public roads was left to the states. Historically here in Nevada during the late 1800's the federal government did not establish post roads. Instead, congress had to certify a public road served a community before a post office could be established.

To get a clear understanding of the road jurisdiction issue, first we must understand some important milestones in American History. The people of the original thirteen colonies on July 4, 1776 declared themselves as free and independent States and that they may do all acts and things which independent States may of right do. There was no federal government at this time so the States were in control of roads across and through the un-appropriated public domain.

In 1783, at the end of the Revolutionary War, through the Treaty of Paris, the King of England ceded, to each individual State, as a separate nation, all powers of government and all of the un-appropriated land, commonly referred to as public domain. Again, there was no federal government at that time, so the States were in control of all land including roads within their borders.

The people of the original thirteen States realized that to survive as individual States, to pay off the war debt, and to provide for trade and commerce among the States and to provide for defense they should form a union of states. But before each state would agree to uniting to form that union of States, they unanimously agreed that each State would retain its sovereignty, freedom and independence and every power, jurisdiction and right which was not expressly

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delegated to Congress. This agreement was incorporated into the Articles of Confederation in Article II.

Another agreement that the people of the original thirteen states agreed to was "that no state shall be deprived of territory for the benefit of the United States" and was incorporated into the Articles of Confederation in Article IX.

In view of the fact that the Articles of Confederation did not contain any provision for the Central Government to own, hold, or control any public domain land, it was considered in the Ordinance of 1787 that the Central Government - "The Confederation" - held these lands in trust for the states that would be later created in a given area. Since this was a legislative act adopted by the Continental Congress before the United States Constitution was adopted, there seemed some doubt that it continued to be in full legal effect. When the Constitution of the United States of America was framed in 1787, one of the most important parts was included in the States rights section of the Constitution. Article IV reads in part, "...that all engagements entered into before the adoption of the Constitution would be valid against the United States under the Constitution, as under the Confederation"... and was to insure the continuation of "the Articles of Confederation" and those of "the Ordinance of 1787" and the "Declaration of Independence".

The Founding Fathers of America considered the new Constitution to be one in which sovereignty was to be retained by the individual states? Hamilton, covers their views in his Federalist Paper Number 32. While this paper deals primarily with taxation, Hamilton expands on the limitations of sovereignty in his second paragraph:

"An entire consolidation of the States into which one complete national sovereignty would imply an entire subordination of the parts; and whatever powers might remain in them, would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State government would clearly retain all the rights of sovereignty which they before had, and which were not, by the act, exclusively delegated to the United States. This exclusive delegation, or rather this alienation of State Sovereignty, would only exist in three cases; where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union, and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant."

In other words, the State did not give up their sovereignty of the land, including roads. They retained this sovereignty when the Union of States was organized and they most certainly did not go to the Federal Convention of 1787 to give it up!

Roads were of importance in framing the Constitution, but not "public roads". Congress was expressly delegated authority to establish post offices and post roads. Nowhere in the Constitution did the people of the original thirteen States cede to the federal government the power to establish "public roads". This is a power and jurisdiction that the States had prior to

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the creation of the federal government, and was retained by the States. This is the reason why the Federal Courts on numerous occasions have based public roads decisions on state law.

The Supreme Court has ruled the following: "State officials cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution."

The Supreme Court even went further and ruled as follows: "If the state ratified or gives consent to any authority which is not specifically granted by the United States Constitution, it is null and void."

The President of the United States had to take an oath before he entered office to preserve, protect and defend the Constitution of the United States. In this Republic known as the United States of America, all legislative powers are vested in a Congress of the United States, which consists of Senate and a House of Representatives as stated in the Constitution. The Supreme Court of the United States has told us that on a number of occasions, but no one is listening. The administrative branch of the government does not have legislative powers. The Supreme Court has ruled the Constitution's division of power among the three branches is violated where one branch invades the territory of another whether or not the encroached-upon branch approves the encroachment. The Supreme Court ruled years ago that an unconstitutional act is not a law; it confers no rights; it imposes no duties; affords no protection; it created no office; it is in legal contemplation, as inoperative as though it had never been passed. (Norton v. Shelby County, 118 U.S. 425 p. 442.)

To resolve the road concerns of today across the public domain, we must understand the history of access in America. For thousands of years, Native Americans were the only inhabitants of the western hemisphere. Some tribes traveled continuously in search of food and never established permanent settlements, while other tribes founded cities that had huge, magnificent buildings. There were no roads or highways as known today but there were single track ways, pathways and other trails connecting two points before the original colonies were settled in the New World (America).

Before the Territory of Nevada was settled the area now comprising the Great Basin was inhabited by Native Americans and descendants of Spanish explorers and again there were no roads or highways as known today but there were single track ways, pathways and other trails connecting two points.

The federal circuit courts have held that an existing right-of-way recognized as such, primitive at its conception, may evolve from a trail to road as frontier conditions give way to modernization. A route that was used first as a trail, later by horse-drawn vehicles, and went through a gradual process of occasional improvement and use until it becomes a road suitable for automobiles and trucks. The courts have held the condition of the highway -- whether **paved and wagon worthy** or simply a "minor footpath" is irrelevant if the claimant can show that a **right-of-way** was used no matter for what purpose.

While settling the Great Basin, miners, ranchers, trappers, hunters, fishermen and other members of the public established, re-established, developed and/or maintained by usage

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numerous roads and similar public travel corridors across the public domain connecting two points.

Article II of the Treaty of Ruby Valley 1863 states in part the several routes of travel through the Shoshonee country, now or hereafter used by the white men, shall be forever free, and unobstructed by all emigrants and travelers under its authority and protection....

In more recent years, in the part of the Great Basin known as the state of Nevada, miners, ranchers, recreationists and other members of the public, together with federal, state and county governments also have established, re-established, developed, constructed and/or maintained, by mechanical means, roads and highways across the public domain within the borders of Nevada.

On December 7, 1993, the Board of Nye County Commissioners adopted Resolution 93-49, entitled "A Resolution declaring certain public travel corridors across public lands within Nye County as Nye County public roads", and in part, defining a "Nye County Public Road", as have several other counties in the west.

On July 4, 1994, Nye County woke up the nation when we re-opened a road within the National Forest at Jefferson Canyon without USFS permission. Did Nye County violate any law?

On March 8, 1995, the United States Justice Department filed suit against Nye County, in part because Nye County resolution 93-49 claimed ownership of virtually every road on public lands within the county boundaries built in the past, present or in the future.

This issue of road jurisdiction on public lands was clearly addressed in federal district court in *U. S. v Nye County*.

On March 14, 1996, Judge Lloyd D. George, U. S. District Court for the District of Nevada, issued an order in the case of *U. S. v. Nye County*, case number CV-S-95-232-ldg(RJJ), which in pertinent part provided that: "It is declared the Nye County Resolution 93-49 is invalid and unenforceable to the extent, *and only to the extent*, it applies to ways, pathways, trails, roads, county highways and similar public travel corridors across public lands in Nye County, Nevada, for which **NO** valid right-of-way exists or is recognized under federal law."

In *U. S. v. Nye County* the court clearly stated:

The United States concedes that the resolution (93-49) does not violate the Supremacy Clause to the extent it applies to roads for which a valid right-of-way exists under federal law.

The United States has shown that it has enacted a comprehensive right-of-way regulation, generally allowing new rights-of-way to be granted only under Title V of the FLPM A.

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RS 2477 was repealed in 1976 by a law establishing a more comprehensive resource management framework for the Bureau of Land Management (BLM) and the United States Forest Service (USFS), the Federal Land Policy and Management Act, commonly referred to as "FLPMA". However, FLPMA specifically and clearly stated that all existing RS 2477 "right-of-ways" were not affected by the repeal of RS 2477 and remained valid. FLPMA contained in its Title V a new mechanism for granting "right-of-way" from October 21, 1976 to the present.

TITLE V--RIGHTS-OF-WAY

AUTHORIZATION TO GRANT RIGHTS-OF-WAY

The Secretary of Interior, with respect to the public lands and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System, or

EXISTING RIGHTS-OF-WAY

Nothing in this title shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted, or permitted. However, with the consent of the holder thereof, the Secretary concerned may cancel such right-of-way or right-of-use and in its stead issue a right-of-way pursuant to the provisions of this title.

Authorization to grant new rights-of-way is post FLPMA - existing rights-of-way is pre-FLPMA.

In settlement conference the Justice Department wanted Nye County to rewrite Resolution 93-49 to reflect the judge's decision. Nye County agreed but the request was dropped by the Justice Department before final settlement. Nye County went ahead and rewrote Resolution 93-49 and on January 19, 1999, Nye County passed Resolution 99-01 that defines a Nye County public road, as stated on page 4.

Equally important is that Nye County Resolution 99-01 establishes the guidelines in determining a "county road." A county road must meet three criteria to determine if a right-of-way or right-of-use exists.

- (1) Was the "road" used by the public?
- (2) Does the "road" tie two points together?
- (3) Was the "road" in existence prior to October 21, 1976?

This resolution was presented to the USFS and BLM months prior to passage for their concurrence. Both the district ranger of the USFS and the field station manager of the BLM agreed they had no problems with the resolution prior to passage by the Board of Nye County Commissioners on January 19, 1999.

Nevada Revised Statutes 405.191 defines the term "public road" to include all roads existing on RS 2477 rights-of-way and "accepted by general public use and enjoyment...", and endues every **Board of County Commissioners** with the authority to "locate and determine the width of such rights-of-way and locate, open for public use and establish thereon county roads or highways."

The definition of a "public road," pursuant to NRS 405.191, also includes roads designated by the **Board of County Commissioners** as major, general and minor roads (pursuant to NRS 403.170) and "[a]ny way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county city, town or portion thereof duly recorded or filed in the office of the county recorder and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes of which is described by words of similar import.."

There is also the continuing validity of other common law authority for the establishment of roads for the good of the citizenry, including but not limited to the authority set forth in the doctrine of easement by necessity and the doctrine of implied easement, authority which we believe has not been preempted, superseded or otherwise set aside by RS 2477 or other statutory scheme.

Since Nye County rewrote Resolution 93-49 some personnel in the Forest Service have claimed that the Forest Reserve Act that created the Humboldt and Toiyabe National Forest in 1906 repealed RS 2477 rights-of-way. I have repeatedly requested that the Forest Service show Nye County the law, but no one can produce it. RS 2477 was not repealed in 1906 but 70 years later, October 21, 1976 as applied to lands in the National Forest System.

A quick review of the Federal Land Policy and Management Act of October 21, 1976;

"REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY--Section. 706.(a) Effective on and after the date of approval of the Act, R.S. 2477 (43 U.S.C. 932) is repealed in its entirety and the following statutes or part of statutes are repealed insofar as they apply to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System...

EFFECT OF EXISTING RIGHTS -- Section 701 (a) of FLPMA of 1976 states: Nothing in the Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way or other land use right or authorization existing on the date of approval of the Act.

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Additionally, Section 701 (h) of FLPMA of 1976 reads as follows: "All actions by the Secretary concerned under this Act shall be subject to valid existing rights."

Federal Courts have held that "the right to make reasonable and necessary improvement within the boundaries of the right-of-way is part of the county's valid existing rights, as long as the project stays within the county's right-of-way, no authorization is needed for construction to proceed".

What is a RS 2477 right-of-way as recognized today?

The Mining Act of July 26, 1866, codified at 43 USC 923 (commonly known as RS 2477) is a law of the land which was enacted for the purpose of memorializing the right of access to the public lands by the people of the United States and establishing the express right to construct highways (roads) and the implied right to access, by there and then granting self-establishing/self-authenticating rights-of-way for all roads previously or thereafter located, established and/or developed, whether by usage or by mechanical means, to allow travel from one point to another, across or through public lands to encourage the settlement of the West; and the federal courts have interpreted RS 2477 to provide a public right-of-way for all roads across or through public lands, so long as those roads were established and "accepted" by general public use and enjoyment before October 21, 1976 (the effective date of the Federal Land Policy and Management Act) and serviced to connect two points of societal importance (towns, stage stops, mines, ranches, water sources, etc.) whether by constant alignment or alignment subject to seasonal, weather, economic or other adjustment.

What is a valid existing road right-of-way? A "right-of-way" is a legitimate property right, and consequently, carries with it a bundle of associated rights, including the right to maintain and upgrade roads. Once the grant was made, the federal governments interest in the land actually containing the right-of-way became that of the servient estate. That means that it's rights as manager of the underlying land are still protected against undue or unnecessary damage but it cannot interfere with the owner of the right-of-way exercising its bundle of rights, including maintenance and upgrading of roads.

The U.S. Court of Appeals for the Ninth District filed an opinion 12-28-99 in the case of USA v. Shumway regarding 'mining claims' that I believe has a direct relationship on "R.S. 2477 roads". The court quoted, "The Supreme Court has established that a mining "claim" is not a claim in the ordinary sense of the word, but rather a property interest, which is itself, real property in every sense.

I, therefore, believe that the original intent of R.S. 2477, an expressed grant allowing access to "mining claims" authorized by Congress in the Mining Act of July 26, 1866 would have to possess the same property interest as a "mining claim". In USA v. Shumway, the court determined, "When the location of a mining claim is perfected under the law, it has the effect of a grant by the United States of the right of PRESENT AND EXCLUSIVE POSSESSION. The claim is property in the fullest sense of the term."

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Again a valid existing right-of-way or right-of-use, or a RS 2477 right-of-way etc are all a real property interest, a property right owned by the holder thereof.

Prior to October 21, 1976 and the passage of the Federal Land Policy and Management Act how did a RS 2477 right-of-way come into existence? The federal courts have held that:

- (1) A RS 2477 right-of-way comes into existence automatically when a highway is established across the public lands in accordance with the law of the state.
- (2) The scope of a RS 2477 right-of-way is defined by the use of state law.
- (3) Whether a right-of-way has been established is a question of state law.
- (4) An existing right-of-way recognized as such, primitive at its conception, may evolve from trail to road as frontier conditions give way to modernization.
- (5) The condition of the highway--whether paved and wagon-worthy or simply a minor footpath is irrelevant if the claimant can show that the right-of-way was used no matter for what purpose.
- (6) The manner of travel (by foot or beast of burden or vehicle) is legally irrelevant to the RS 2477 determination. What matters is that there was travel between two definite points.

Whenever a Nye County Public Road came into existence across or through the public domain, no matter for what purpose, there was automatically a valid existing right-of-way as long as it was before October 21, 1976, ties two points together, and was used by the public.

Forest Service Personnel are incorrect and not following agency guidelines when requiring that in order to establish that a County owns a right-of-way under RS 2477, it would have to be shown that the elements of perfection of the right-of-way grant were met in accordance with Federal Law prior to March 1, 1907 when the land was reserved for National Forest purposes.

WO Amendment 2700-94-7

Construction:

Construction is a physical act of readying the highway for use by the public according to the available or intended mode of transportation – foot, horse, vehicle, etc. Removing high vegetation, moving large rocks out of the way, or filling low spots, etc., may be sufficient as construction for a particular case.

Survey, planning, or pronouncement by public authorities may initiate construction but does not, by itself, constitute construction. Construction must have been initiated prior to the repeal of RS 2477 and actual construction must have followed within a reasonable time.

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Road maintenance over several years may equal actual construction.

The passage of vehicles by users over time may equal actual construction.

Public Highway:

A public highway is a definitive route or way that is freely open for all to use. It need not necessarily be open to vehicular traffic for a pedestrian or pack animal trail may qualify. A toll road or trail is still a public highway if the only limitation is the payment of the toll by all users. Multiple way through a general area may not qualify as a definite route, however, evidence may show that one or another of the ways may qualify.

The inclusion of a highway in a State, county, or municipal road system constitutes being a public highway.

Expenditure of construction or maintenance money by an appropriate public body is evidence of the highway being a public highway.

Absent evidence to the contrary, a statement by an appropriate public body that the highway was and still is considered a public highway will be accepted.

Some personnel in the Forest Service are misleading the public and claiming that when lands were included in the National Forest System they were reserved for public uses, and were no longer available for establishment of public highways under RS 2477. They claim RS 2477 when enacted in 1866 did grant right-of-ways for the construction of public highways on public lands there were not otherwise reserved for public uses. This is totally false. What were "public lands not reserved for public uses" as applied to in 1866 time frame? There was no such thing.

RS 2477 reads as follows: "the right-of-way for construction of highways over public lands, not reserved for public uses, is hereby granted." (19 words total)

If it was "public lands not reserved for public uses" there would not be a comma after public lands, or it would have been just worded unreserved public lands. "Not reserved for public uses", is simply describing the right-of-way. This law was to give an expressed consent or grant to miners in the mining act of 1866, to build private roads to mining claims to encourage the discovery and production of minerals. In 1866 there was no such thing as public lands not reserved for public uses, unless possibly it was a military reservation.

If RS 2477 did grant "right-of-ways for the Construction of public highways on public lands that were not otherwise reserved for public uses", why did FLPMA of 1976 repeal RS 2477 right-of-way over, upon, under and through the lands in the National Forest System, if National Forest System lands are reserved land?

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The public lands managed by the Bureau of Land Management is not reserved lands and yet FLPMA of 1976 repealed RS 2477 rights-of-way over, upon, under and through the public lands, just as the lands in the National Forest System, what is different? It is because in 1976 just as in 1866, the "not reserved for public uses" described the right-of-way and not "public domain"?

I have a hard time believing that RS 2477 or any other pre-existing right or right of use was repealed when the Humboldt or Toiyabe National Forest was created in 1906 and 1907 respectively. Three pages out of the first USDA Forest Service Manual issued on June 14, 1907, which states the following:

Page 13, "HOW CAN THE LAND ITSELF BE USED? ...railroads, wagon roads, trail, canal, flumes, reservoirs and telephone and power lines may be constructed whenever and wherever they are needed, as long as they do no unnecessary damage to the forest..."

Page 23, "TO USE WELL ALL THE LAND. ...is open to improvements such as the construction of railroads, wagon roads, trails, canals, reservoirs, and telephone and powerlines..."

Page 32, "IMPROVEMENT WORK. Nothing will do more toward giving the National Forest the best kind of protection against fire, and nothing will help more to open up their resources for everybody's use than the construction of a great many well-built trails, roads, bridges, and telephone lines. Easy and quick communication to all parts of a forest must be had if fire is to be kept down. The settlers, prospectors, miners, lumbermen, and stockmen profit directly from all work of this kind and can be of great assistance in pushing it through.

Does the first Forest manual recognize a "public road"?

Page 30--To drive stock across a forest it is necessary to get a permit from the nearest ranger or the supervisor EXCEPT ALONG A PUBLIC ROAD.

I wonder why no permit was required on a public road--maybe because the Forest Service has no jurisdiction.

For almost two years now Nye County has requested the Forest Service and/or the BLM provide Nye County a copy of any law indicating that there is no valid existing right-of-way when a road was established on the public domain prior to October 21, 1976 that connects two points of societal importance and was accepted by general public use and enjoyment in Nye County. If Nye County is wrong, we want to correct our county law.

If Nye County is correct as Resolution 99-01 reads, we are not in violation of the Supremacy Clause of the Constitution of the United States of America as the United States conceded in U.S. v. Nye County and county law does not violate the Supremacy Clause of the United States Constitution to the extent it applies to roads for which a valid existing right-of-way exists under federal law.

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In reference to the Forest Service, Fact Finding Report, Work Environment and Community Relations, Humboldt-Toiyabe National Forest, February 4, 2000:

“Chief Mike Dombeck and Regional Forester Jack Blackwell chartered a fact-finding team to look into issues of work environment and community relations on the Humboldt-Toiyabe National Forest ...”

The teams recommendation state in part as follows:

“IV. Other Issues Requiring Nation and Regional Attention

These findings, while identified on the Humboldt-Toiyabe National Forest, are issues that **MUST BE** addressed appropriately at the Regional and/or National levels of the Forest Service:

1. Lack of resolution of RS 2477 rights-of-way determination issue precludes local managers from effectively resolving road related conflicts with Counties.

County elected officials stated they believe many of the roads being closed not maintained, etc., are actually County roads under RS 2477 and the decision on road status is theirs alone to make. They disagree with the definition of what constitutes a road under RS 2477 and as long as that atmosphere continues to exist, conflicts will remain between the Forest Service and the Counties on access and road management issues. The team believes this key issue must be resolved before relations can move forward in many Western States.

Recommendations:

- The Washington Office should begin work through the Agriculture and Interior Departments to bring the RS 2477 issue to resolution.
- The Regional Office either should adopt the Humboldt-Toiyabe draft pilot for Nye County or develop a pilot for evaluating claims in the Region for testing the pilot. Multiple counties should be considered for involvement. The pilot should be designed to identify areas of agreement and disagreement and provide a means to focus on agreements until RS 2477 is resolved nationally.”

Until the road jurisdiction is resolved with the counties any agency action including the Forest Service Roadless Initiative will only move our (USFS and County) relationship backwards.

Conclusion:

As relief to my concerns, I Richard L. Carver, Chairman Board of Nye County Nevada Commissioners, would like to go on record in requesting the Forest Service to;

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- (1) The Forest Service, Bureau of Land Management and Nye County have agreed to resolving public lands issues at the table through what we call the “Tri-Party Framework for Interactions” dated December 1996. Pursuant to 40 CFR 1502.14, as an alternative to any proposed action initiating an Environmental Impact Statement (EIS), I propose to the Secretary of Agriculture and the Secretary of Interior to develop a pilot project, with Nye and Elko Counties in Nevada, on how to resolve the RS 2477 issue and to report back to Congress within one year on proposed legislation that will resolve the road issue on the public lands once and for all, and;
- (2) Withdraw the proposed rule and subsequent documentation and proceed with the No Action Alternative allowing for normal land management planning processes, or;
- (3) Withdraw the proposed rule and subsequent documentation and delegate the decision for determining the disposition of roadless areas to local forest supervisors through normal land management planning processes. Then, local governments can play an active role as participants in the process, or;
- (4) Supplement this DEIS, as per regulation 40 CFR 1502.9(c)(ii), to address the significant new circumstances and information that is relevant to our environmental concerns and bearing on the proposed action and its impact, or;
- (5) Revise the DEIS, as per Regulation 40 CFR 1502.9(a), to address inadequacies that preclude meaningful analysis.

My comments may or may not be the position of the Board of Nye County Nevada Commissioners. Nye County and/or staff may submit additional comments.

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

Respectfully submitted,



Dick Carver, Chairman
Nye County Nevada Board of Commissioners

RC/jdf



NYE COUNTY
DEPARTMENT OF NATURAL RESOURCES & FEDERAL FACILITIES

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July 15, 2000

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

CAET RECEIVED
AUG 17 2000

Dear Sirs:

Subject: Comments on Roadless Areas Proposed Rule DEIS

The following are the official comments of Nye County, Nevada, on the document cited above. This office prepared them at the direction of the Board of Commissioners and submits them with its approval. I have organized the comments into the following: Recommended Alternatives, Lack of Planning, Adequacy of the DEIS, and Analysis of Impacts.

Recommended Alternatives

We recommend the following alternatives:

Prohibition	Procedural	Tongass National Forest
Alternative 1	Proposed Action and Preferred Alternative B	Proposed Action and Preferred Alternative T3
No Action; No Prohibitions	Forest Planning Process Implemented at Next Forest Plan Revision	No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of the 5 Year Plan Review; Implement Forest Planning Process Next Plan Revision

Roadless DEIS Comments.wpd

Roadless Areas Proposed Rule DEIS Comments
 July 15, 2000

Page 2 of 10

Nye County supports Prohibition Alternative 1 (No Action; No Prohibition) for several reasons. Foremost is the lack of planning involved in a simplistic nationwide ban of the Proposed Action and Preferred Alternative.

Lack of Planning

The values of each roadless area differ from those of other roadless areas. They depend on the circumstances of nature and the people throughout the country. They do not hold the same values equally across the nation. Nevertheless, those values are very important on the local level. For this reason, evaluations and decisions should occur on the local level. A nationwide ban is a very clumsy approach. It is a disservice to the American people and is not in the best interests of the United States.

The reasons for the prohibition, as presented in the DEIS, lead us to believe that the Preferred Alternative is an effort by the Forest Service to shirk its responsibility to plan in accordance with the diverse needs of the American people throughout the country. The DEIS states,

“Over the last 20 years, local management decisions in both inventoried roadless areas and other unroaded areas have been steeped in controversy, especially when they dealt with road building, timber harvest, or other areas that alter the areas’ roadless characteristics. Costly, lengthy appeals and litigation have accompanied virtually every attempt to enter these areas.” (p. S-4)

Clearly, the prohibition is simply an autocratic circumvention of the planning process by making a pre-emptive decision on all roadless areas, disregarding the underlying differences between regions. The Forest Service is mistaken that this reckless substitute for problem-solving will decrease litigation. It is most likely a blunder that it will escalate litigation and rightly undercut public trust and respect for the Forest Service and the Federal government.

Plainly, the proposed prohibition is contrary to the stated purpose of the Proposed Planning Rule. The DEIS states the following:

“Bases land and resource planning on sustainability. Emphasizes collaboration, integrates science. Planning becomes problem solving.” (Table 1-1, page 1-14)

In effect, this pre-emptive decision will further diminish consultation and collaboration with local citizens because the decision has been dictated from the Forest Service headquarters before any collaboration. It eliminates the integration of science into the decision; rather, the “problem” has been decided politically. Because this process is oblivious to local conditions, it eliminates problem solving and will only create more problems.

Roadless DEIS Comments.wpd

Inadequacy of the Statement

Nye County notes several inadequacies in the DEIS. The following comments evaluate some of the most egregious. The statement of Purpose and Need for the Action has serious problems that are symptomatic of the problems throughout the document. The following paragraphs describe some of them.

The conclusions reached in this section are not supported by the information provided. The reasoning is faulty and shows a strong prejudice toward the simplistic preferred alternative. The language seems more like a propaganda vehicle than an impartial evaluation. It lacks the objectivity and professionalism that the American people deserve from land managers.

One example is the following statement: "Although this [inventoried roadless areas] is only 2% of the continental United States, these roadless lands encompass a major share of watersheds and ecosystems important to the American people, and numerous fish, wildlife, and plant species." (p.1-1)

This amount should be quantified so that the American public and land managers can decide for themselves if this is "a major share" or a minuscule share. It is illogical and untrue that less than 2% of the country contains "a major share of watersheds and ecosystems." Is "major" more than 50%, or perhaps 25%?

The document exaggerates the role of National Forest lands and fails to put their role into the context of the national land situation. Other watersheds exist throughout the country and undoubtedly are vastly more important nationally than those in the National Forest system. Indeed, the role of Forest Service roadless areas are important only on local levels in a few places. Therefore, management decisions should be made through site-specific analysis and locally-based.

The subjective use of the term important begs the question to be decided. These watershed and ecosystems are described as "important to the American people" without defining "important." Are they important to national public health and safety, important to survival of the human species, or important in an abstract aesthetic sense?

The Wilderness Act has no provisions for buffer zones, but the Forest Service proposes to unilaterally create them through the Roadless Initiative. Without scientific evidence, public input, nor congressional action, the Forest Service has decided that all roadless areas everywhere are needed to function in the roles already filled by the National Wilderness Preservation System (NWPS). This circumvents Congressional authority and the National Forest Management Act.

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The intention to effectively extend the NWPS is expressed under "Impacts to to [sic] Designated of Potential Wilderness" on table S-1 (p. S-21). The DEIS states,

"Maintaining inventoried roadless areas would sustain a low level of threat to wilderness values and protect land between Wilderness areas and developed land. Opportunities for recreation that require remote characteristics, but are of a less restrictive nature than Wilderness, would be maintained."

The "smoking gun" is in the following statement: "Maintaining inventoried roadless areas in their current state will reduce the need for recreationists in search of remote experiences to move to Wilderness areas to enjoy a comparable experience. This will lessen the visitation pressure on Wilderness areas and help maintain the quality of Wilderness experiences (p. 3-172)." Clearly, the Roadless Initiative is a transparent effort to expand the wilderness system without Congressional action and in circumvention of the NFMA.

Analysis of Impacts

The analyses of impacts are so vague and unquantifiable that no reasonable decision can be made based on this document. Furthermore, it is possible for the Forest Service to make rough calculations and comparisons to other sources of the same impacts. The following comments explain these problems. I have organized them to follow the organization of the DEIS.

Ecological Factors p. 3-20

This section focuses on abstract concepts and factors that are virtually unmeasurable. For instance, a "healthy ecosystem" is an abstraction that cannot be measured.

The DEIS says,

"Scientists have used various rating systems to measure or characterize healthy ecosystems. These ratings are often based on professional judgment, when information is limited or no consensus exists. They usually measure or rate a variety of important ecological factors such as plant or animal communities or individual species, size or type of habitat, or type of disturbance process. When considered together, these ratings attempt to give an overall, although incomplete, picture of the general health of an ecosystem. Ecosystem health is used in this analysis to evaluate relative differences in outcomes of planning alternatives.

Various factors were evaluated and estimates were made on the relative degree to which they contribute to ecosystem health. Ecosystem structure, composition, and process broadly describe these factors. Structure is the attributes of the environment that are important to those organisms. For example, a fallen tree is a structural attribute that many species use for their home. Structure is also the size

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or type of habitat patch an animal uses. Composition is the biological diversity of an ecosystem, the plants and animals that live there. Process refers to the various kinds of activities, interactions, cycles, or disturbances that occur within an ecosystem. For example, fire is a natural disturbance process.

An environmental baseline is needed in these types of analyses to compare the change that may result from a land management decision. The estimated historic range of variability (based on conditions prior to European settlement) is often used as a baseline when evaluating ecosystem health (ICBEMP 1996). Scientists compare historic reference conditions with today's conditions and provide an overall rating of ecosystem health that is a measure of departure from historic conditions (pp. 3-20 to 3-21)."

If scientists cannot agree on rating systems and parameters to measure the conceptual ideal of ecosystem health (see above), how can the Forest Service implement planning and management based on it? The best that the Forest Service offers us is that these factors have some effect. With no agreement on parameters or data, the American people and land managers cannot intelligently decide if the impacts are significant.

The FEIS should attempt to calculate the impacts and make comparisons to impact from other sources. The DEIS says, "Most often, ecological factors were rated qualitatively by alternatives to obtain an estimate of relative differences" (p. 3-21). The qualitative comparisons offered in the DEIS are useless. We cannot determine if it is minimal, like the effect of a ship on world sea level, or significant, like the effect of the ice age glaciation on sea level. The Forest Service offers not even the roughest estimate on a national scale. For example, the amount of soil lost due to roads compared to the amount lost due to natural processes. Similar comparisons should be made for structure, composition, and various processes (interactions, cycles, or disturbances such as fire) that occur within an ecosystem. For example, how much fire is due to roads compared to "natural pre-European levels."

This action is predicated on the discredited concept of "estimated historic range of variability (based on conditions prior to European settlement) (p. 3-21)." This concept is based on the unfounded idea the ecological conditions prior to European contact were stable and ideal. This paradigm begs the question of what is the most stable and productive condition of public lands. It is influenced by nostalgia and the 19th Century concept of the noble savage living in harmony with the land. Science has little to do with the underlying assumptions. This concept will undoubtedly fall aside in time like the paradigm of the "super organism," the popular old-time notion that forest stands induced rainfall, or the popular notions about fire suppression. The problems created in the meantime may vastly overshadow those caused by fire suppression.

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Forest Service should not make a nationwide ban based on reasoning that admittedly does not apply nationwide. The DEIS says, "In some parts of the country, the historic range of variability is not useful as a benchmark due to lack of records of pre-settlement ecological conditions or due to substantial and irreversible ecosystem changes."

Watershed Health (p. 3-22 to 3-97)

Watershed health can be improved by Forest Service managing logging operations rather than merely banning logging. This section places primary blame for soil loss and low water quality on roads built for logging activities. Even after that, the DEIS says, "Although these impacts can be greatly reduced by using best management practices, poorly managed timber harvest activities can be the major source of sediment from the sale area. (p. 3-22)" It is the job of the Forest Service to manage such operations to reduce the impacts. It is not the job of the Forest Service to simply ban logging so it doesn't have to do its job.

Forest Service should not address concerns over logging impacts by applying the same management to areas where logging does not occur and where roads have minimum impact on watershed health. For example, there is no logging in Nye County, Nevada, and very little human use of Forest Service watersheds (see fig. 3-12, p. 3-28). Please note that no watersheds in Nye County appear in Figure 3-13. "Watersheds That Do Not Meet Clean Water Act Standards That Contain Inventoried Roadless Areas" (p. 3-30).

Locally, impacts on these areas are minimal and other forest use needs are great. Despite this, Forest Service proposes to close vast roadless areas here regardless of other community needs. Few benefits will come at the price of many other impacts. Statements in the DEIS support this, stating, "Annual water-yield volumes are unlikely to change in the drier portions of the Interior West, even where harvests will be heaviest, or in the East, where harvest volumes and roading are modest (p. 3-25)." The DEIS further supports this, saying,

"Collectively, these studies suggest that the effect of roads on basin stream flow is generally smaller than the effect of forest cutting, primarily because the area occupied by roads is much smaller than that occupied by harvest operations. Generally, hydrologic recovery after road building takes much longer than after forest harvest because roads modify physical hydrologic pathways but harvesting principally affects evapotranspiration processes. (Forest Service Roads: A Synthesis of Scientific Information," [In Press]" (p. 3-25).

Areas with roads only and no logging are at a much lower level of risk and there are fewer impacts. Such a prohibition may be reasonable on watersheds that serve as drinking water source areas. The same can be said for other related soil, water, and air impacts in Nye County.

Impacts of roads should be mitigated by appropriate design and construction rather than by simply banning roads. Road building may be banned after sight-specific evaluation.

A prohibition of road building and logging is contrary to the good of the United States. The DEIS says, "Alternatives that completely prohibit timber harvest would limit managers' options in high-risk areas (p. 3-23)." Similarly, other decisions concerning roadless areas should be made in the local planning process so that managers have flexibility to respond to problems.

Efforts to maintain biodiversity should focus on identifiable ecoregions that are underprotected rather than make a blanket road ban in currently unroaded areas. This discussion (pp. 3-47 to 3-97) should be a reasoned process rather than simply locking up all lands considered "roadless." Currently, Nye County is developing a Multispecies Habitat Conservation Plan. Forest Service efforts should be coordinated with other efforts rather than unilateral.

Forest Health (p. 3-97 to 3-111)

This issue is a prime example of the need for site-specific locally-based planning rather than a national prohibition on road construction. The complex issues of forest health will be affected positively in some respects and adversely in other aspects.

Human Uses (p. 3-112)

Recreation decisions should be made at the local level and not controlled by a national prohibition on road-building. The discussion on recreation recognizes that the demand for dispersed recreation will increase but fails to address the inevitably much larger increase in demand for motorized transportation. The conclusions focus only on demands for dispersed recreation. Nye County, for example, has an abundance of Wilderness and roadless areas for dispersed recreation. Nye County has 1,119,000 acres of roadless areas. This is over 35% of the roadless area in Nevada (total 3,142,000 acres). The roadless area in our county is greater than the entire area of the Tonopah Ranger District (1,115,000 acres). However, recreation opportunities for the vast majority of the population (i.e., motorized access and developed campgrounds) is severely limited. Most of the recreation public in this area is terribly under served by the Forest Service. Local citizens generally travel hundreds of miles, even to California, for outdoor recreation because of the lack of amenities on the large tracts of Forest Service land in our region. The development of better recreation opportunities in this area should not be hampered by a nationwide prohibition. Rather, local planning efforts should strike the balance. We think that your evaluation should be rewritten with more emphasis on the following statement.

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Scoping revealed conflicting opinions regarding motorized recreation use in unroaded areas. This is an important issue, but the appropriate balance between motorized and non-motorized dispersed recreation use is highly variable throughout the country and dependent on distinct social and environmental conditions.

The alternative of prohibiting all activities was considered (see Alternatives Considered but Eliminated from Detailed Study, Chapter 2), but was eliminated from further study because decisions of this nature are better made through local planning and collaboration processes (p. 3-121)."

The previous statement notwithstanding, the DEIS subsequently states, "Alternatives 2, 3, and 4 are barely distinguishable. This cluster of alternatives is rated high because they provide considerable and immediate stability to the level of supply; whereas, Alternative 1, the No Action Alternative is rated low because it allows for continued erosion of the supply of inventoried roadless areas maintained in an undeveloped condition.

Demand for SPM, SPNM, and P dispersed recreation opportunities is increasing (Cordell and others 1999b) in an environment of diminishing supply. Alternatives 2, 3, and 4 maintain higher levels of supply, so they have more opportunities to resolve the issue of balance between motorized and non-motorized dispersed recreation activities. Controversies are considerably less than Alternative 1 and have a higher probability of being resolved over time (p. 3-122)."

Alternatives 2, 3, and 4 will not provide "more opportunities to resolve the issue of balance between motorized and non-motorized dispersed recreation activities." On the contrary, proposals 2, 3, and 4 will extinguish those opportunities. The DEIS states,

"In essence, the local manager determines what activities are appropriate in an area. Such determinations would be constrained in inventoried areas, however, by a prohibition alternative if one were selected in the final rule (p. 2-7)."

It goes on to state, under the Preferred Action and Alternative, "With respect to inventoried areas, local responsible officials could not authorize the construction or reconstruction of roads but would retain discretion to consider appropriate additional management protection for inventoried roadless areas (p. 2-7)."

Social and Economic Factors (p. 3-160 to 3-225).

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This section starts with an important realization that local stakeholders bear the brunt of forest land management decisions while absentee stakeholders bear almost none of the burden.

"Those who have the strongest interests in NFS lands, and those whose livelihood or recreational pursuits are most closely tied to the national forests, are more directly affected by Forest Service policy than people who have little involvement with these public lands. It is these forest stakeholders who comprise the affected socioeconomic environment discussed here, and who are the focus of the socioeconomic effects analysis (p. 3-160)."

Unfortunately, the authors seem to totally forget this as the discussion progresses and this focus is lost. For example, the studies and statistics quoted in the subsequent sections focus on perceptions and desires of absentee stakeholders nationwide who are insulated from the burdens of Forest Service policy. Those stakeholders are generally unaware of the oppressive burdens placed on small communities by Forest Service policies.

Wildland Values (p. 3-161)

None of the wildland values described are dependent on the roadless policy proposed. The statements in this section about quality of life and economic well-being are false for the local stakeholders. These are the people for whom the impacts are most intense. They are the very people the authors said "are the focus of the socioeconomic effects analysis (p. 3-160)." It is small wonder that the public confuses the term "roadless" with "wilderness." Similarly, the Forest Service thinks that roadlessness is essential to all of the wildland values described in this section. Water and Air Quality can be maintained with proper construction. Solitude and Personal Renewal can be found in the extant National Wilderness Preservation System. Sense of Place is a resource most threatened by loss of access and is a source of much anger in local communities. Research and Teaching values are available in the Forest Service Natural Research Areas and the NWPS lands. Passive use values are derived from those areas already protected in the NWPS and through proper management of other areas.

Recreation, Scenic Quality, Wilderness, and Recreation Special Uses

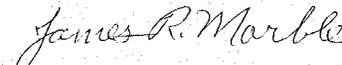
The authors present ample evidence that the demand for recreation experiences will increase and that the overwhelming portion of that demand is for motorized recreation. Predictably, the authors illogically conclude that the best response to increasing demand is to increased resistance to meeting that demand. In this section, as in the last, the Forest Service presents roadless values as equivalent to wilderness values. Currently, wilderness designation reserves 28% of the National Forests for use by less than 2% of the people who visit forests lands. The proposal would increase that proportion of land to nearly 50%. The Forest Service clearly places disproportionate emphasis on remote recreation opportunities. Clearly, the Forest Service is averse to meeting the recreation needs of the American people (the owners of

16093

the land and employers of the Forest Service). The authors show the vast economic importance of recreation industry, yet they propose to cripple that potential. The comments relating to discrimination by limiting motorized recreation access remain unanswered (p. 3-169).

The remainder of this section is fraught with data that conflicts with the recommendations. These inconsistencies follow the pattern demonstrated above. This document will surely serve for years as the prime example of a document written to support a predetermined decision.

Sincerely,



James R. Marble, Ph.D.
Director of Natural Resources Office

16093

Johr A. Chachas, Commissioner
 Julio Costello, Commissioner
 Brent Eldridge, Commissioner
 Kevin S. Kirkeby, Commissioner
 Cheryl A. Noriega, Commissioner
 Donna M. Bath, Ex-Officio Clerk of the Board

White Pine County
 Board of County Commissioners

June 29, 2000

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

CAET RECEIVED
 JUN 29 2000

Dear Forest Service Roadless Area Conservation Team:

The White Pine Board of County Commissioners assigned the task of reviewing and making comment on the National Road Management Policy draft Environmental Assessment to their Public Land Users Advisory committee.

The County Commission has placed their faith in their official advisory board members, and, as in the past, they have not failed in doing their duty. Enclosed, please find a letter from White Pine County's Public Land Users Advisory Committee. This nine member board, represents a wide range of back grounds and expertise. The White Pine County Board of Commissioners have reviewed their comments and concur with their remarks.

Please accept their comments as official comments of the White Pine County Commissioners.

Additional comments adopted in a public meeting by the White Pine County Commissioners are as follows:

1.) The Draft EIS appears to be Biased and Predecisional

Recent actions by the Chief of the Forest Service, statements by the Executive Branch and numerous biases in the Draft EIS lends support only for selection the preferred alternative and proposed action. To Wit:

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

B.) The document is written very subjectively and leans toward justifying the proposed act of prohibiting roads and timber harvest in inventoried roadless areas rather than providing an

44345
 Courthouse Annex
 953 Campton St.
 Ely, Nevada 89301
 (775) 289-8841
 (775) 289-8842

Attention: Roadless Area Conservation
 Page 2 of 4

objective analysis of all alternatives, issues, and effects.

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

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

3.) The Draft EIS Contains Numerous NEPA Deficiencies

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

- A.) The NEPA process must be useful to decision-makers
- B.) Emphasize interagency cooperation including counties
- C.) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses
- D.) Study, develop, and describe appropriate alternatives
- E.) Consult clearly with State and Local agencies
- F.) Invite the participation of Federal, State, and local agencies
- G.) Statements shall be concise, clear, and to the point, and shall be supported by evidence
- H.) Statements shall be analytic rather than encyclopedic
- I.) Agencies shall not commit resources prejudicing selection of alternatives
- J.) Statements shall assess the environmental impacts, rather than justify decisions already made
- K.) Each statement shall contain a summary that adequately and accurately summarizes the statement
- L.) Rigorously identify, explore, and objectively evaluate all reasonable alternatives
- M.) Avoid useless bulk
- N.) Circulate the statement and request comments from Federal, State, and local agencies.
- O.) Authorized to develop and enforce environmental standards
- P.) Incorporate material by reference only when it is reasonably available
- Q.) Insure the scientific integrity of discussions

Attention : Roadless Area Conservation
Page 3 of 4

4.) The Draft EIS Contains Discrepancies and Contradictions Relating to Conclusions and Data

Much of the document contains discrepancies and contradictions as it relates to conclusions and data that it is difficult to determine which are fact and which are personal biases. To Wit:

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

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

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

5.) Conclusion

As relief to our concerns, the Commissioners of White Pine County would like to go on record in requesting the Forest Service, either,

1. Withdraw this proposed rule and subsequent documentation and delegate the decision to determining the disposition of roadless areas to local forest supervisors through normal land management planning processed. Then, local governments may play an active role as participants in the process.
2. Supplement this Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (c)(ii), to address the significant new circumstances and information that is relevant to our environmental concern and bearing on the proposed action and its impacts.
3. Revise the Draft EIS, as per CEQ Regulation 40 CFR 1502.9 (a), to address inadequacies that preclude meaningful analysis.

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Attention : Roadless Area Conservation
Page 4 of 4

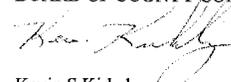
The White Pine County Nevada Public Land Users Advisory Committee has adopted, as ordinance, the WHITE PINE COUNTY PUBLIC LAND USE PLAN which is the legal guideline by which public lands in White Pine County shall be managed.

To further demonstrate White Pine County's position in this matter, enclosed is a copy of Ordinance #350 Bill # 1 -26- 2000 A. "Ordinance Declaring White Pine County's Policy Regarding Public Roads." White Pine has formally adopted these ordinances.

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

Should you require further comments or information, please feel free to contact this office.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


Kevin S. Kirkeby,
Commissioner

Xc: W.P.C. Public Lands Advisory
Nevada Association of Counties
Congressman Jim Gibbons
U.S. Senator Harry Reid
U.S. Senator Richard Bryan
Governor Kenny Guinn
Lt. Governor Lorraine Hunt
NV. Assemblywoman Marsha De Braga
NV. Senator Mike McGinness

KSK/dm/nf

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1 Summary: Ordinance Declaring White Pine County's Policy regarding Public Roads

2 BILL NO. 1-26-2000-A

3 ORDINANCE NO. 350

4 **ORDINANCE DECLARING WHITE PINE COUNTY'S**
5 **POLICY REGARDING PUBLIC ROADS**

6 WHEREAS, the County of White Pine Nevada is vast, sprawling and mostly rural
7 having approximately 6,000,000 acres and fewer than 11,000 residents within its borders; and

8 WHEREAS, before this territory was settled, the area now comprising White Pin
9 County was inhabited by Native Americans and early explorers; and, there were no roads o
10 highways, as known today, but there were single-track ways, pathways and other trails connecting
11 two points; and

12 WHEREAS, since the creation of White Pine County, miners, ranchers, hunters
13 fishermen, recreationists and other members of the public have by usage established, reestablished
14 developed and/or maintained, numerous roads and similar public travel corridors across the publi
15 lands of the County; and

16 WHEREAS, in more recent years miners, ranchers and other members of the publi
17 together with federal, state and local governments have, by usage or through mechanical means
18 established, reestablished, developed, constructed and/or maintained roads and highways across th
19 public lands of the County; and

20 WHEREAS, the ways, pathways, trails, roads, highways and other public corridor
21 (hereinafter, collectively "Roads") established within White Pine County, whether by usage or b
22 mechanical means, have a public purpose, e.g., to allow travel from one point to another within th
23 hinterlands of White Pine County, and thereby permit and enable all of the economic and socia
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1 components of life in the County, including but not limited to mining, ranching, logging, wood-
2 harvesting, hunting, fishing, water acquisition, and all types of recreation; and

3 WHEREAS, the Mining Act of July 26, 1866, codified at 43 United States Code
4 Section 932 (commonly known and hereinafter referred to as R.S. 2477) is a law of the land which
5 was enacted for the purpose of memorializing the right of access to the public lands by the people
6 of the United States, and establishing the express right to construct highways (roads) and the implied
7 right to access, by there and then granting self-establishing/self-authenticating rights-of-way for all
8 roads previously or thereafter located, established and/or developed, whether by usage or by
9 mechanical means, to allow travel from one point to another, across or through public lands, to
10 encourage the settlement of the West; and

11 WHEREAS, the federal courts have interpreted R.S. 2477 to provide a public right-
12 of-way for all Roads across or through public domain lands, so long as those Roads were
13 established and "accepted" by general public usage and enjoyment before October 21, 1976 (the
14 effective date of the Federal Land Policy and Management Act) or prior to the withdrawal of federal
15 lands from public domain (e.g., national forests, national parks, national trails, military, reservations,
16 etc.,) and served to connect two points of societal importance (towns, stage stops, mines, ranches,
17 water sources, etc.), whether by constant alignment or alignment subject to seasonal, weather,
18 economic or other adjustment; and

19 WHEREAS, Nevada Revised Statutes Section 405.191 defines the term "public
20 road" to include all roads existing on R.S. 2477 rights-of-way and "accepted by general public use
21 and enjoyment . . ." and endows every board of commissioners with the authority to "locate and
22 determine the width of such rights-of-way and locate, open for public use and establish thereon
23 county roads or highways"; and
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as defined by Section II hereof, White Pine County, connecting two points of societal importance (regardless of whether the points so connected are located inside or outside the boundaries of White Pine County), whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized/mechanized vehicles of each and every sort whether currently passable or impassable, that was established and accepted by public use and enjoyment under common law doctrines of property rights, under R.S. 2477, but only if established and accepted by public use and enjoyment or under statutory authority, except State and U.S. Highways.

ARTICLE II

PRIVATE ROAD USE

Section 2.0. Private Road Use. Roads across private lands within White Pine County not otherwise established by other law or authority are or shall be designated as White Pine County Public Roads only if they are offered to, accepted by and dedicated to White Pine County according to the roads policies and regulations which then are in effect.

ARTICLE III

PUBLIC ROAD OWNERSHIP

Section 3.0. Public Road Ownership. All White Pine County Public Roads are the property of White Pine County, as trustee for the public users thereof; and, the Board and/or the Board acting as Highway Commissioners, shall have the authority, from time to time, to locate and determine the alignment and width of such rights-of-way and open, reopen, establish, construct, rehabilitate, maintain and/or close thereon county roads or highways, subject to applicable federal laws and regulations; provided, however, that pursuant to its commitment to full implementation of ...

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the letter and spirit of the Memorandum of Understanding which has been executed by the parties thereunder.

Section 3.1. Action Related to Ownership. The board shall not, except in the event of an emergency requiring immediate action, make or implement decisions pursuant to the authority described in this Article without first having advised the appropriate government agency of its proposed decision or action; and, by and through the Memorandum of Understanding processes, attempted to resolve any challenge or opposition to such decision or action by the appropriate governmental agencies.

ARTICLE IV

SUBSEQUENT ADOPTION OF RULES AND REGULATIONS

Section 4.0. Subsequent Adoption of Rules and Regulations. The Board and/or the Board acting as Highway Commissioners, hereafter by ordinance or resolution, will adopt all rules and regulations necessary and proper to assure that decisions made and actions taken under its authority to locate, lay out, open, construct, rehabilitate, maintain and /or close public Roads are made upon sufficient findings that such decisions and actions will result in a benefit to the general public, will, avoid or mitigate to the fullest extent reasonably possible any significant impairment of the environment or natural resources; and, unless unavoidable for purposes of the greater good, will not result in a significant reduction in the value of public or private property.

Section 4.1. Effect Upon "Taking Ordinance." This section is not intended to modify Ordinance 339, enacted by the Board of County Commissioners the 12th day of May, 1999; that such Ordinance shall control relating to any issue relating to the taking of property by an entity of government, notwithstanding any provision herein to the contrary.

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ARTICLE V

ACQUISITION OF RIGHTS OF WAY

Section 5.0. Acquisition of Rights of Way. For each road established subsequent to R.S. 2477 authority and proposed for designation as a White Pine County Public Road, and for each road which is established by White Pine County in the future, the Board and/or the Board acting as the Highway Commissioners, will acquire all rights-of-way necessary for the establishment and management of the road from the appropriate federal land managing agency or other persons or governmental entity prior to designation as a White Pine County Public road (if already established) or reestablishment by White Pine County (if not already established).

ARTICLE VI

HISTORIC ROAD USE

Section 6.0. Historic Use Defined. Historic use or practice is defined as a period of twenty (20) years or more.

Section 6.1. Historic Use Adopted. The Board here adopts and ratifies historic uses and practices in White Pine County allowing for maintenance of county roads by usage or mechanical means; and, the Board's decision to not mechanically maintain any one or more of the Roads shall not terminate, or affect in any way, the status of such Roads as White Pine County Public Roads.

ARTICLE VII

IMMUNITY FROM SUIT

Section 7.0. Immunity from Suit Relating to Public Roads. Pursuant to N.R.S. Section 405.193(2), no action may be brought against White Pine County, its officers, or employees ...

for damage suffered by a person solely as a result of the un-maintained condition of a Road made public by the Board pursuant to N.R.S. Section 405.195;

Section 7.1. Immunity from Suit Relating to Minor Roads. Pursuant to N.R.S. Section 403.170, White Pine County is immune from liability for damages suffered by persons as a result of using any road designated by the Board as a minor County road.

ARTICLE VIII

PROCEDURE FOR ABANDONMENT

Section 8.0. Procedure. Abandonment or road closure of any White Pine County Road must follow the procedures provided in N.R.S. 405.195, including but not limited to public hearings.

ARTICLE IX

ATTACHMENT OF MAPS

Section 9.0. Attachments. Attached hereto and incorporated herein are maps which specify and designate those Roads located within White Pine County which the Board, and/or the Board acting as the Highway Commissioners, preliminarily has/have determined are White Pine County Public Roads, pursuant to the definition given herein-above and all applicable federal and state law.

Section 9.1. Reservation. The Board expressly notes that the process of designation of such Roads is not complete; thus, the maps are not and shall not be deemed a comprehensive or exhaustive listing or designation of those Roads which are or may be White Pine County Public Roads.

...
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1 Section 9.2. Update of Maps. It is intended that these maps will be revised and
 2 reissued periodically, as other or additional Roads are determined to be White Pine County Public
 3 Roads or Roads preliminarily so designated are determined, upon further review, not to be
 4 appropriately or lawfully designated as White Pine County Public Roads.

ARTICLE X

CHALLENGE TO DESIGNATION OF PUBLIC ROADS

8 Section 10.0. Challenge by Governmental Entity. Other entities of local, state,
 9 or federal government, or any such other entity of government shall have the standing and right to
 10 challenge the designation of Roads as White Pine County Public Roads, when and if such entity
 11 through its representatives, believes that such designation is inappropriate and/or unlawful, based
 12 upon application of federal and state law and the history of the Road(s).

14 Section 10.1. Challenge by Private Person. A private person shall also have the
 15 standing and right to challenge the designation of roads as White Pine County Public Roads as
 16 provided in Section 10.0.

17 Section 10.2. Notice. The White Pine County Clerk, as Clerk of this Board, shall
 18 send copies of this Ordinance and attached maps to other entities of government, specifically for
 19 their review of the designation of White Pine County Public Roads.

21 Section 10.3. Protests. Any governmental entity or private person may protest the
 22 designation of public roads by the Board of County Commission by the filing of a written protest
 23 prior to final adoption of this ordinance. The Board shall consider all such protests.

24 Section 10.4. Intent. The intent of this Article is to invite and encourage other
 25 governmental entities to initiate the resolution process set forth in the Memorandum of
 26 ...

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1 understanding for any and all Roads preliminarily designated as White Pine County Public Roads
 2 where any such have reason to believe that any designation made hereunder is contrary to the best
 3 interests of the public, private rights of ownership, or applicable law.

ARTICLE XI

REPEAL OF CONFLICTING ORDINANCES

7 Section 11.0. Repeal of Conflicting. Any and all ordinances or parts of ordinances
 8 theretofore adopted by the County which are in conflict with this Ordinance are hereby repealed.

ARTICLE XII

SEVERABILITY

11 Section 12.0. Severability. If any provisions of this Ordinance are held invalid,
 12 such invalidity shall not affect other provisions and each provision is hereby declared to be
 13 severable.

ARTICLE XIII

EFFECTIVE DATE

17 Section 13.0. Effective Date of. This Ordinances shall take effect from and
 18 after passage, approval, and publication. Collection of the tax authorized pursuant to this Ordinance
 19 shall then be made effective as of the date provided for by Section 3.29.100.

ARTICLE XIV

DESIGNATION OF FUTURE ROADS

23 Section 14.0. Designation of Roads. Any addition, amendment, correction,
 24 deletion, or modification to the definition of public roads borne by the maps attached hereto pursuant
 25 to Article IX may be made by resolution. Any subsequent designation may be protested as provided
 26 for by Article X, Section 10.3.

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Section 14.1. Public Hearing. This ordinance is to be construed as allowing a public hearing on any matter relating to public roadways in White Pine County. The Board of County Commissioners may in its discretion conduct a public hearing, where deemed advisable, to consider any matters pertaining to public road policy.

This Ordinance shall take effect from and after passage, approval and publication by law, to-wit: From and after the 8 day of March, 2000.

PROPOSED on the 26 day of Jan, 2000.

PROPOSED by COMMISSIONER Eldridge.

VOTE: AYES: Brent Eldridge
John A. Chacka
Julio Costello
Cheryl Nohies
Kevin Cirkel

NAYES: NONE

ABSENT: NONE

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1st Brent Eldridge
CHAIRMAN OF THE BOARD

ATTEST:

Donna M. Bath
CLERK OF SAID BOARD

THIS ORDINANCE shall be in force and effect from and after the 8th day of March, 2000.

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**WHITE PINE COUNTY
PUBLIC LAND USERS ADVISORY
COMMITTEE**

Courthouse Annex
953 Campton St.
Ely, NV 89301
June 13, 2000

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

Dear Forest Service Roadless Area Conservation Team:

The White Pine County Nevada Public Land Users Advisory Committee, an advisory committee appointed to advise the White Pine County Commission, is commenting on the National Roadless Conservation Plan.

The White Pine County Commission has adopted, as ordinance, the WHITE PINE COUNTY PUBLIC LAND USE PLAN which is the legal guideline by which public lands in White Pine County are to be managed.

While the National Forests belong to all Americans, Congress expressly intended for National Forests to benefit and sustain the local communities and governments adjacent to and surrounded by such forests to a greater degree than the general public. Accordingly, local governments and communities which are most directly affected by the management of a particular national forest should have a greater opportunity to comment and participate in decision making for that Forest. Likewise, such decisions should primarily be made by local Forest Service officials within the guidelines of the County Land Use Plans rather than to have regional and national officials developing blanket rules. Such local participation and decision making is consistent with the intent of Congress. While Forest Service management plans may be possible in some circumstances, they should not take precedence over local decision making within each National Forest. In other words, one-size-fits-all policies are not in the best interests of the local communities as the law intended.

Locally, White Pine County is participating in a Technical Review Team through the Coordinated Resource Management Process with the federal agencies to address the road issues. The team is making progress and is working within the guidelines of the County and the current needs of the environment with an eye to the future as well as the economic development of the County. We appreciate the authority provided for local forest managers to work within the specific needs of the local forests and believe that through the efforts currently in progress we can meet the goals of the County as well as those of the local forest, thereby meeting the letter of the law in the Organic act, the law which created the United States Forest Service.

The DEIS defines unroaded area as any area without the presence of a classified road, and of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition. This definition excludes roads defined as unclassified which are defined as roads not intended to be part of, and not managed as part of, the forest transportation system, such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways. This rule may be contrary to the courts' 2477 road decisions and is contrary to the definition of road in the White Pine County road definition. It has the effect of limiting mining exploration, that portion of the economy which stands to be most effected and conflicts with the stated intent of the Organic Act.

The economy of rural Nevada depends almost exclusively on mining and ranching. The DEIS recognizes the 1872 Mining Law and previous existing rights. But this is only for existing claims. We believe that this policy will contribute to loss of access to future prospects and discoveries. Deborah J. Shields presents a good discussion of the transitory geographic nature on mineral economics in the Energy and Minerals section of FOREST ROADS: A SYNTHESIS OF SCIENTIFIC INFORMATION, United States Department of Agriculture, Forest Service, Draft Final, March 2000.

Roadless area decisions must include access to potential as well as known mineral and energy resources. It is important to have "figures available" regarding the value of minerals not extracted. Access is critical also to be able to determine economic benefits to the community which are yet to be discovered. Most mineral deposits have been located in areas that would be classified as roadless as defined by this DEIS.

Ranchers must have access to their ranges in order to facilitate the best management of the range. Ranchers must have access to riparian and water sources in order to properly manage them, they must have roads in order to move water tanks to graze livestock throughout their allotments evenly to meet the requirements of their grazing resource management plans. These decisions must be made at the local level.

In order to enhance the local economy a great deal of effort is being made, with the cooperation of the local Federal offices, to develop further recreation opportunities in White Pine County. The local governments, with the cooperation of the Forest Service, must be the deciding agencies in determining the definitions of road and roadless.

According to those experienced in this matter, the effects of the proposed rule have a greater negative impact as it is implemented in the Intermountain west. In Nevada, where the rural populations are centered in the areas where there is National Forest, it is expected that there will be a serious negative economic impact.


Glenn H. Terry
Chairman

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WHITE PINE COUNTY PUBLIC LAND USE PLAN

MOU-NV-040-9701 (BLM)
17-MOU-97-010 (USFS)

MEMORANDUM OF UNDERSTANDING AMONG

BOARD OF LINCOLN COUNTY COMMISSIONERS,
BOARD OF NYE COUNTY COMMISSIONERS,
BOARD OF WHITE PINE COUNTY COMMISSIONERS,
ELY DISTRICT, BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR,
AND
HUMBOLDT-TOIYABEE NATIONAL FORESTS
U.S. DEPARTMENT OF AGRICULTURE

Section I COUNTY AUTHORITY

Congress has bestowed considerable power and authority on counties to influence the federal agency land use planning for federal lands. The nine major laws which grant this power are:

- * The Federal Land Policy and Management Act.
- * The National Forest Management Act
- * The National Environmental Policy Act.
- * The Endangered Species Act
- * The Wild and Scenic River Act.
- * The National Historic Preservation Act
- * The Wild Horse and Burro Act
- * The National Wildlife Refuge System Improvement Act
- * The Great Basin National Park Enabling Legislation

Because White Pine County participated in the planning process for the Great Basin National Park General Management Plan 1993, Great Basin National Basin National Park is not included in this Land Management Plan. Refer to the Final General Management Plan of the Great Basin National Park.

The language in the regulations that have been promulgated to implement these laws clearly set forth the power and influence of the counties. The apparent lack of county influence over federal agency land use plans has not been from lack of authority. The problem has been the failure of the county to assert its authority.

Section 2 AGREEMENTS

The language in the Memorandum of Understanding is an outstanding expression of intent and commitment to work together on land use planning and other areas of mutual interest. In general terms, both the county and the BLM and U.S. Forest Service agreed to cooperate in land use decision making, inform each other in advance of plans, and cooperate in any supplemental agreements to the MOU, such as the Memorandum of Agreement between the BLM and White Pine County pertaining to proposed land exchanges involving lands outside White Pine County and offered lands within White Pine County.

The actions constitute an unusually straightforward expression of intent and commitment.

- * Note Memorandum of Understanding
- * Note Memorandum of Agreement

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Page 1

I. PURPOSE:

The goals and objectives of this Memorandum of Understanding emphasize the need to address long-term land use within the Counties in order to preserve the Quality of Life for the areas' current and future generations and strike a balance among the many and often competing needs and interests. With over 90 percent of the land within the Counties in the National Forest System or administered by the Bureau of Land Management, the actions of the federal land management agencies can and do have a significant effect on the economic and environmental climate of each County. The Forest Service and BLM are directed by laws to develop and implement land and resource management plans. The agencies have a responsibility and obligation under these laws to coordinate the preparation of management plans with local governments and agencies. Conversely, local governments have an obligation to join with the federal agencies to ensure that the needs of the citizens of the Counties are recognized and addressed in the resulting plans. Therefore, it is recognized that it is in the best interest of all parties to join together in a coordinated effort to develop and implement plans and activities that will result in a vital economy and environment within Lincoln, Nye and White Pine Counties.

II. MUTUAL AGREEMENT:

A. All Parties Agree:

1. To develop a dynamic, collaborative approach to land management planning that builds or improves trusting relationships.
2. To be mutually respectful of each others goals and objectives through the incorporation of the values, expectations, and needs of people within appropriate contexts.
3. To facilitate better communication and understanding of how each entity's actions contribute to the area's resources and people.
4. Cooperate in land use planning processes, including consultation and participation in preparation of land use plans, including, for example, County master plans, County public lands policy plans, resource management plans, forest plans, project plans and significant amendments to or revision of said plans. Cooperate in economic analysis for these planning efforts, as appropriate.
5. Inform each other as far in advance as possible of anticipated plans and proposed activities that might affect either party.
6. Cooperate in development and implementation of specific agreements supplemental to this agreement, including, but not limited to, agreements regarding zoning, subdivision of lands; road construction, maintenance, use, and closures; abandonments; control or restriction of roads and rights-of-way; and cooperative fire agreements.
7. Share resources and expertise to facilitate exchange of non-proprietary resource and land use information concerning land located in the Counties including electronic data, personnel to assist in data gathering and land use planning to the extent

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- practical within financial, legal and personnel limitations. Share, when appropriate, training, workshops, and technical sessions.
8. Recognize that the authorities and responsibilities of the entities are different and each is guided by the specific laws and regulations which pertain to their respective level of government.
 9. Initiate cooperative efforts that could lead to the execution of protocols, letters, or supplemental memoranda of understanding on, but not limited to, the following subjects:
 - a. Water resources development
 - b. Range and grazing allotment management
 - c. Desert Land Entries
 - d. Minerals exploration, mining and reclamation
 - e. Public Safety and emergency management including communication planning
 - f. Economic values and tax base
 10. Make representatives available to attend a tri-county meeting, at least once a year, to discuss proposed actions, activities, etc. of mutual interest.

B. The Forest Service and BLM will:

1. Make representatives available as needs arise as identified by either party to attend regularly scheduled County Commission meetings, special sessions of the County Commission, or any meetings of advisory boards representing the County Commissions to discuss proposed actions or activities scheduled by the Agencies.
2. Notify the applicable County(ies) at least sixty (60) days in advance of the interest in sale or conveyance of public lands within the county.

C. All Counties will:

1. Make available to the BLM and Forest Service, social and economic information in possession of the County.
2. Notify the BLM, Ely District Office, and Forest Service, Ely Ranger District, in writing, of any apparent inconsistencies between the county policies, plans, and programs and the policies, plans and programs of the BLM or Forest Service.

III. AUTHORITIES

- A. Executive Order 12866 of September 30, 1993.
- B. Federal Advisory Committee Act (FACA) of 1972 (5 USC App 2) (41 CFR 101-6) and amended by P.L.104-4, Section 204.
- C. FLPMA of 1976 (42 USC 1701 et seq. as amended) (43 CFR).
- D. National Environmental Policy Act of 1969 (42 USC 4321), (40 CFR 1500-1508).
- E. National Forest Management Act (NFMA) of 1976 (16 USC 1600), (36 CFR 219).
- F. The Organic Administration Act (Organic Act) of June 4, 1897 (16 USC 473 et seq.).

IV. ADMINISTRATION

- A. Nothing in this memorandum shall obligate the parties to this agreement to expend funds or to enter into any contract or other obligations.

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- B. Specific work projects or activities that involve the transfer of funds, services, or property among the cooperators of this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress or White Pine, Lincoln and Nye Counties.
 - C. Each subsequent agreement or arrangement involving the transfer of funds, services or property between the parties to this MOU must comply with the applicable statutes and regulations, including those applying to procurement activities.
 - D. This MOU in no way restricts the cooperators from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
 - E. No part of this agreement modifies existing authorities under which the parties currently operate.
 - F. This agreement shall become effective as soon as signed by the parties hereto. Amendments or supplements to this agreement may be proposed by any party and shall become effective upon written approval of all parties. This MOU will be reviewed by all parties every two years and modified as needed. The MOU shall continue in force unless formally terminated by any party after thirty (30) days notice in writing to the others of the intention to do so.

Edward E. Wright

 Chairman, Board of County Commissioners
 Lincoln County

20 Dec 1996

 Date

Richard Cunn

 Chairman, Board of County Commissioners
 Nye County

01/21/97

 Date

Carol O' McKenna

 Chairman, Board of County Commissioners
 White Pine County

02/3/97

 Date

Melissa J. Blumhach

 Assistant Forest Supervisor
 Humboldt-Toiyabe National Forests

2-6-97

 Date

David Kolla

 District Manager
 Ely District, BLM

2/7/97

 Date

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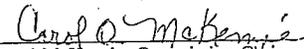
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MEMORANDUM OF AGREEMENT
BETWEEN
THE BUREAU OF LAND MANAGEMENT
AND
WHITE PINE COUNTY

3. White Pine County will designate a representative pertaining to the land exchange process.
4. White Pine County will share all information pertinent to the exchange with the BLM.

I. INTRODUCTION AND PURPOSE

This Memorandum of Agreement (MOA) establishes an agreement between the Bureau of Land Management (BLM), Ely District, and White Pine County pertaining to proposed land exchanges involving selected lands outside White Pine County and offered lands within White Pine County. The purpose of the MOA is to establish a framework of actions by each of the parties to facilitate such land exchanges.


Carol McKenzie, Commission Chair

3/12/97
Date

II. BLM RESPONSIBILITIES

1. BLM will be a cooperater toward accomplishment of any said land exchange.
2. BLM will do all within its power to cause a meeting(s) between proponents of such land exchanges as described in the above paragraph and White Pine County to occur. If desired by White Pine County, BLM will attend said meeting(s).
3. BLM will designate a representative pertaining to the land exchange process.
4. BLM will share all information pertinent to the exchange with White Pine County.


Gene A. Kolkman, District Manager

3/12/97
Date

III. WHITE PINE COUNTY RESPONSIBILITIES

1. White Pine County will be a cooperater toward accomplishment of any said land exchange.
2. White Pine County will attend meeting(s) with the proponent as mentioned in II. 2., above. At such meeting(s), White Pine County will negotiate and attempt to cause actions to occur that would mitigate tax base loss to White Pine County. The idea is to leave the county tax base whole while concurrently attempting to support the land exchange. White Pine County will also negotiate and attempt to cause actions to occur that would mitigate loss of lands used for agricultural purposes.

Section 3 Existing Plans

Nevada has a statewide policy plan for public lands. The plan was signed by the Governor on June 9, 1986. The Statewide Policy Plan is comprised of individual public land policy plans for all seventeen counties. The plans are an outgrowth of Senate Bill 40.

SB40 was designed, in part, to take advantage of the consistency language in Section 202(c)(9) of FLPMA. Section 202(c)(9) governs BLM planning and requires that BLM land use plans be consistent with state and local land use plans. Statute 43 USC Section 1712(c)(9) directs that BLM land use plans should be consistent with state and local plans to be the maximum extent the Secretary of the Interior finds consistent with Federal law and the purposes of FLPMA.

As set forth in County Ordinance No. 309, the Advisory Committee shall recommend a comprehensive Land Use Plan for public lands located in White Pine County to the Board of County Commissioners. It is the understanding of the White Pine County Public Lands Users Committee that the citizens of White Pine County want an updated SB40/White Pine County Public Land Policy Plan providing numerous and wide ranging policy statements related to federal lands in general, water, minerals, agriculture, recreational, wildlife, transportation, cultural, wild horses, wilderness, forest management and public lands identified for non federal ownership.

The White Pine County Public Land Management Plan is the County Land Management Plan developed by the White Pine County government to guide the use of public lands and public resources in White Pine County and to protect the rights of private landowners. This Land Management Plan, developed by the people of White Pine County and adopted by the White Pine County Board of Commissioners, shall serve as the primary guide in the use and management of all public lands within White Pine County. This plan builds upon the foundation set forth by the SB 40 plan.

Existing Land Use Plans

1983 Schell Management Framework Plan
 1985 Refuge Management Plan Ruby Lake National Wildlife Refuge
 1985 Egan Resource Management Plan
 1986 Humboldt National Forest Plan and Amendments
 1993 Final General Management Plan Great Basin National Park

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Background

Public lands make up a substantial part of White Pine County. Moreover, White Pine County's economy is dependent on business activities on public lands. These activities are inseparably tied to the small fraction of private lands in White Pine County. To a substantial degree local communities are at the mercy of planning decisions made outside the county, often to the detriment of local communities and citizens. Such circumstances are contrary to the basic principles of Freedom and Liberty, and sound resource management. Believing that the American concept of "government by the people for the people" is best served when government affairs are conducted as close to the people as possible (i.e., at the county level).

Custom and Culture

By the time the Western Territories of today's United States of America began to be settled, the tradition of individual freedom, free enterprise, and the right of the people as individuals to the use and enjoyment of the lands and resources within their communities, had been well established in America. It was well recognized that private ownership always led to the greatest resource enhancement. Mining and agriculture have been the historic custom and culture of White Pine County. White Pine County has always been willing to gamble a lifetime on round after round of dynamite blasts or on the often marginal productivity of the soil and the fickle clouds or on the faith that down under the valleys are vast reservoirs of life giving waters.

Community Stability

One of the biggest problems facing the local governments today is loss of tax base. In order for any community to provide needed schools, health care, police protection and other services, industry and commerce within the community must be encouraged and strengthened. As it is today, increasing governmental regulations are hampering local enterprises that rely on public lands. The loss of these local enterprises leads to the loss of economic stability.

Community stability is defined as a combination of custom, culture and economic preservation. Forest Services, United States Department of Agriculture, The Use Book 13, 1906 ed.

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Principles and Objectives

The Plan addresses public land management issues directly and is intended to be used as a positive guide for public land management agencies in their development and implementation of land use plans and management actions. The County and its citizens support the continued multiple use of public lands in White Pine County. Therefore, it is the policy of White Pine County that public agencies shall inform local governments of all pending actions affecting local communities and citizens and coordinate with them in planning and implementation of these actions. The White Pine County Board of Commissioners, when affected by such actions, shall be consulted and coordinated with in accordance with the laws of Nevada and the Constitution of the United States of America. Finally, as stated in public land laws, all laws affecting public lands in this county and public agencies shall comply with the White Pine County Land Management Plan and coordinate with the Board of Commissioners for the purpose of planning and managing public lands within the geographic boundaries of White Pine County, Nevada. Public agencies proposing actions that will economically impact White Pine County shall prepare and submit in writing, and in a timely manner, report(s) on the purposes, objectives and estimated impacts of such actions to the White Pine County Board of Commissioners. These report(s) shall be provided to the White Pine County Board of Commissioners for review and coordination prior to initiation of any action thereon.

Preamble

We, the People of White Pine County, State of Nevada accept, support and sustain the Constitution of the United States of America and the State of Nevada. The Constitution of the United States of America limits the authority of the federal government to specific lands as stated in Article 1, Section 8, Clause 17. We hereby reaffirm our rights that all lands in White Pine County that are not so specifically designated pursuant to Article 1 Section 8, Clause 17 be managed in coordination with citizens thereof. Further, we reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence and acknowledge the limited nature of government as intended by the nation's founding fathers. Based on these cherished traditions, the White Pine County Land Use Plan shall be used as a guide in all public land natural resource decisions, thereby protecting local custom and culture and maintaining traditional economic structures through reliance on the use of public lands.

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Water

The water supply of White Pine County is its agricultural capital. The land forms a vehicle for carrying plants and conveying to them the immense quantity of liquid required to maintain vegetal and animal life. The Public lands are managed to produce water for the citizens, wherever they may be, in whatever quantity. Also under the multiple use concept, livestock are grazed, minerals are mined, timber is cut for market, hunters and fishermen are welcome, skiing and camping are encouraged and managed and federally controlled lands have produced water. For over 135 years, Nevada water law has worked. We understand the federal governments claims for wilderness watershed protection, healthy stream conditions, wildlife and other uses; yet, we have never met a producer who was proud of soil erosion, dirty water or plants or animals in poor condition. White Pine County supports the White Pine Riparian Coalition to discuss and coordinate water issues, for water is a precious resource, and we are committed to ensure all animals are afforded the opportunity to drink on clear mountain streams and springs.

It is our recommendation that each application of a water permit on federal land by the Federal government as an applicant shall be reviewed by the board of County Commissioners. It is our opinion that the State of Nevada shall maintain primacy of control over its most vital resource through the application of the state's water laws.

Policies

1. The protection of existing water rights and water uses within White Pine County is of primary importance to the County's economic and cultural well being. Therefore, transfers in water use shall be carefully considered in relationship to the history, traditions and culture of White Pine County.
2. White Pine County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability.
3. White Pine County shall consider the impact of water users on existing as well as future water rights for agricultural, municipal, industrial and domestic purposes.
4. White Pine County shall encourage alternative uses of water, including but not limited to geothermal uses and hydroelectric power.

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5. White Pine County shall actively engage in providing opportunity for the development of water based agriculture within the County.
6. It is the intent of the White Pine County government to be notified of all state, interstate and other actions that have any impact on the water of the County prior to such actions being initiated.
7. White Pine County shall develop its water use policy to ensure both water quantity and water quality.
8. White Pine County shall participate in the development of riparian management plans in concert and coordination with landowners, ranchers and the appropriate public agencies.
9. No Wild and Scenic Rivers shall be designated in White Pine County without concurrence by White Pine County.

Minerals

White Pine County recognizes that the development of its abundant mineral resources is desirable and necessary to the state and the nation. Therefore, it is the policy of White Pine County to encourage mineral exploration and development.

Policies

1. White Pine County supports large and small scale mining, the 1872 Mining Law, exploration and development consistent with sound economic and environmental practices.
2. White Pine County promotes the use of public mineral resources to realize a sustainable and continuous supply of minerals. Such sustainable levels assume that minimal lands be given single use or restrictive designations and that the maximum areas of land be outside Wilderness Areas and be available for active and intensive exploration, development and management.
3. White Pine County supports the transportation of mineral and mining products and material essential to the mining operation over public roads and highways within White Pine County.

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Agriculture

Agricultural production in White Pine County is necessary to the livelihood and well being of its citizens. Therefore, it is the policy of White Pine County to protect agricultural land, promote the continuation of agricultural pursuits by protecting private property rights, relying on self determination and open market conditions.

Policies

1. Opportunities for agriculture on public lands shall be encouraged.
2. White Pine County shall encourage agencies managing public lands to coordinate with appropriate advisory board on all matters affecting livestock grazing on public lands within the borders of White Pine County.
3. Formally recognize the value of and necessity for the retention and expansion of agricultural land by all levels of government.
4. The federal government should continue to make the public rangelands economically and realistically available for livestock grazing, along with the other multiple use objectives.
5. Livestock adjustments should be based on appropriate long term monitoring and where ecological conditions indicate management actions are needed. See appendix.
6. Range improvements should be encouraged where appropriate incentive programs and participating financing should be provided.
7. Soil surveys should be consulted in land use planning.

Recreation

White Pine County receives a higher level of recreational use than population levels would indicate. This attractiveness of White Pine County is believed to be due to the abundance of perennial streams, scenic diversity offered by vegetation and land forms, hunting, fishing and wildlife viewing opportunities and easy accessibility to areas of interest. Recreational activities play an important part in the life styles and economy of White Pine County.

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Policies

1. Dispersed recreational opportunities on public lands shall be encouraged and provided. Opportunities for unstructured recreation such as camping, fishing, hunting and off road vehicles in White Pine County on public lands should continue to be made available.
2. Federally managed lands with value for concentrated recreation use (campgrounds, water recreation sites, etc.) should be identified, protected and developed for recreation purposes and adequately maintained. New reservoirs shall be considered where feasible. The county and the Nevada Division of State Parks should be involved in recreational site designation and planning.
3. A county wide recreation plan covering year round activities should be developed with all affected agencies involved. The affected agencies include the federal land management agencies, the Nevada Division of State Parks, and local governments and organized recreation groups. The recreational activities should include, but not be limited to, hunting; camping; off road vehicles; historic sightseeing; trails; fishing; boating; nature viewing; wild horse, wildlife and bird watching; horse back riding; mountain bike riding; rock hounding; rock art viewing; spelunking; pine nut collecting; Christmas tree cutting and winter sports.
4. Public land use planning should analyze the White Pine County area for the feasibility and practicality of a destination ski resort.

Wildlife

White Pine County residents support a diversity of wildlife species. We encourage that recommendations by the White Pine County Advisory Board to Manage Wildlife be followed and action taken upon recommendations proposed by the White Pine County Advisory Board To Manage Wildlife.

Policies

1. Identify habitat needs for wildlife species, such as adequate forage, water, cover, etc. and provide for those needs so as to, in time, attain appropriate population levels compatible with other multiple uses as determined by public involvement.

2. White Pine County supports the 1991 Animal Damage control Environmental Analysis for the Humboldt National Forest and the 1995 Animal Damage Control Plan for the Ely District BLM.
3. White Pine Supports vegetation manipulation to improve wildlife habitat when compatible with other uses.
4. Introductions or reintroduction of big game species should only be supported after careful consideration of a) the species, b) unallocated forage available c) population management d) impacts on local licensed livestock operators and adjacent private land owners and e) after it meets with the approval of all affected parties and a management plan is completed.
5. The Ruby Lake National Wildlife Refuge should be continued to be managed for wildlife and appropriate recreational uses.

Access and Transportation

The public lands in White Pine County should by right be accessible to all. White Pine County has many old access roads and trails, used for many years, but often not perfected by easement or dedication. Growth and increasing demands for natural resources within White Pine County and the nation create a demand for transportation, utilities and communication corridors. Route locations should be planned in harmony with other resources on public lands.

Policies

1. Retain existing access to public lands and provide new means of access where necessary.
2. White Pine County shall adhere to all rights claimed under RS 2477 with respect to roads, trails, ways and byways.

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White Pine cultural resources and customs include all the prehistoric and historic activities and accomplishments of the people of White Pine County. These cultural resources include, but are not limited to, buildings, structures, caves, rock shelters, trails, roads, objects made or modified by people of the county. Less tangible resources such as dance forms, customary beliefs, material traits of a group, and integrated pattern of human behavior passed to succeeding generations by stories and traditions. White Pine County supports its customs as used or practiced by the people which by common adoption and acquiescence, and long and unvarying habit has become compulsory as a way of life. White Pine County supports its cultural resources of prehistoric and historic significance and where appropriate and feasible will avoid disturbing these resources. White Pine County will protect its significant cultural resources and customs for the benefit of the present and future generations.

Policies

1. It is the intent of White Pine County to participate in planning for appropriate use and protection of cultural resources and develop a county wide Cultural Resources Management Plan which identifies outstanding cultural sites and landscapes.
2. White Pine County promotes educational programs for citizen stewardship of White Pine County cultural resources in a manner that will guarantee the 'thrill of discovery' for future generations.
3. White Pine County supports professionally managed public museum and library repositories and exhibits to the extent financial resources allow, so that tangible artifactual remains and records of folklife and cultural heritage can be preserved locally to the extent feasible, rather than being removed to remote in state or out of state repositories or being controlled by private individuals where the whole citizenry does not have access.
4. The custom and culture associated with American Indian activities in White Pine County is necessary to the livelihood and well being of American Indians. White Pine County supports protection these inherent aboriginal rights.
5. Government agencies shall not obstruct American Indian cultural activities on their respective lands.

12/97
Page 10**Wilderness**

White Pine County understands the nation's desire for wilderness, but White Pine County favors continued practices of multiple use in a literal sense.

Policies

1. By County Resolutions 81-90, 84-15, 85-39, 87-14 White Pine County dislikes the continued study of wildness study areas,, strongly opposes recommendations by the United States Department of Interior and United States Department of Agriculture, and/or designation by Congress of any wilderness areas in or near White Pine County; and, favors continued practices of multiple use in a literal sense.
2. White Pine County shall lobby Congress to ensure that the best interests of the County are given consideration in any wilderness designation legislation affecting public lands within the County.
3. White Pine County urges Congress to drop the proposed Wilderness Study Areas located in White Pine County.
4. In the event wilderness areas are designated wildlife, fire control, economic impacts, grazing, mineral resources, visitor impacts and management needs should be considered.
5. In the event wilderness areas are designated the enabling legislation should include language which will eliminate any consideration or application of "buffer" area concepts.

Wild Horses

Manage wild horses to minimize detrimental impact of other multiple uses.

Policies

1. Wild horse herds should be managed at appropriate levels to be determined with public involvement and managed with consideration of the needs of wildlife species, livestock grazing and ecological conditions of the herd management area. White Pine County strongly supports collaborative efforts such as the Resource Advisory Council, the White Pine Coordinated Resource Management and Planning process and the Nevada Wild Horse Commission as avenues to solve wild horse issues.

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Forestry

Forest and forestry products production in White Pine County is necessary to the livelihood and well being of its citizens. Therefore, it is the policy of White Pine County to protect forest resources and promote the continuation of a sustainable forestry products industry by providing economic opportunity, relying on self determination and open market conditions.

Policies

1. White Pine County promotes multiple use of public forest resources to realize sustainable and continuous provisions of timber, forage, firewood, wildlife, fisheries, recreation and water.
2. White Pine County supports the prompt salvage of forest losses due to fire, insect infestation or other events.
3. White Pine County supports the education of both residents and visitors to wide and productive forest uses.
4. White Pine County supports the White Pine County Fire Management Plan using the planning management process in progress.
5. White Pine County supports the management of woodlands/forests by ecological condition for a diversity of vegetative communities. See appendix.

Land Disposition and Acquisitions

Recognizing that land is essential to local industry and residents, it shall be the policy of this County that the design and development of all public land disposals, including land adjustment and exchanges, be carried out to the benefit of the citizens of White Pine County.

Policies

1. Increase opportunities for local economic development by increasing the amount of private land within the County.
2. Public lands that are difficult to manage or which lie in isolated tracts will be targeted for disposal.

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3. The general public, the State of Nevada and local communities shall be notified of, consulted about and otherwise involved in all public land adjustments in White Pine County. White Pine County shall review all proposed changes to see if the proposal is in the County's best interest.
4. White Pine County will review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste.
5. Before public land agencies can change land use, impact studies on uses shall be conducted and mitigation measures adopted in coordination with White Pine County. Impact studies shall, as needed, address community stability, local custom and culture, grazing rights, mining rights, flood lands and access.

The following are criteria for land dispositions or acquisitions which shall be given consideration.

1. Will the land disposition or acquisition have or may have a high level of visibility so that implementation of the project will inspire additional political, practical support to the White Pine County Land Use Plan.
2. Will the project be an effort of substantial pride of accomplishment for White Pine County.
3. Will consideration of the expenditure of funds or values to realize the completion of the project be accepted as wise and understandable in view of the County's interest and purpose.
4. Will the project either balance or not create a substantial imbalance in the geographic diversity of the county's direction and planning.
5. Will the proposed project effect access, historic values, wildlife or domestic livestock movement without reasonable alternatives.
6. Will the transfer of real estate to the responsibility of the tax roles afford a higher priority over any conflicting proposal or suggestion present or future.
7. Will the project incur any unusable risks of liability.

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8. Will the project be supported by the neighboring community when honestly portrayed and presented, be free of problems of maintenance or general operations.

Private Property Rights on Public Lands

Pursuant to the Fifth Amendment to the Constitution of the United States, ~~Government~~ no private property rights, ~~associated~~ with public lands, shall be taken with out just compensation and due process of law ~~being given.~~

Rangelands are those areas of the world, which by reason of physical limitations... are a source of forage for free-ranging native and domestic animals, as well as a source of wood products, water, and wildlife. [Rangeland Management, by Stoddart, Smith and Box (1975)]

Standard #1.

Rangelands comprising of Native Plant Communities exhibit a 50 percent or better range condition rating with a stable or upward trend where the potential natural community meets planned objectives. Soil loss "T" values, in tons/acre/year are found in the soil survey and regardless of the range condition rating, accelerated erosion should not be occurring.

(accelerated erosion is defined as values greater than the allowable soil loss tolerance determined for a particular soil.)

Guidelines:

The managed species exhibit growth potentials for the site, show no evidence of stress due to management, and are not overly susceptible to drought, disease, or insect damage.

It is recognized there are special cases where a lower condition rating is acceptable in situations where planned objectives are most reasonably attained by managing for lower successional plant communities. For those cases, documentation is required in the case file and information is recorded as a case study.

Standard #2.

Rangelands comprising of Desired Plant Community exhibit the kind, proportion, and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site. The desired plant community must be consistent with the site's capability to produce the desired vegetation through management, land treatment, or the combination of the two. Soil loss "T" values, in tons/acre/year are found in the soil survey and regardless of the what the Desired Plant Community is, accelerated erosion should not be occurring.

Guidelines:

When grazing practices or lack of grazing alone are not likely to restore range site degeneration, land management treatments should be designed and implemented to meet the minimum quality criteria for the soil, water, air, plant and animal resources that meets the land managers' objective.

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Realize that these standards also apply to riparian areas, soil loss tolerances have been determined for all soils. Thus if you stay within standard one or two you will be adhering to water quality and quantity criteria.

The study of patterns, this is what these two standards allow people interested in landscape to accomplish. A particular soil may have a mosaic of colors and patterns if viewed from above. All have a story,

Standard #1 is a self-perpetuating community in which populations remain stable and exist in balance with each other and the environment; the final stage of a succession or sere. The present state of vegetation and soil protection of an ecological site in relation to the historic climax plant community for this site in relation to the historic climax plant community for the site. Vegetation status is the expression of the relative degree of which the kinds, proportions, and amounts of plants in a community resemble that of the historic climax plant community.

Standard #2 There are cases where it is doubtful that a ecological site will return to the final stage of succession in an reasonable frame of time such as 25 years, such an example would be a winterfat site taken over by halogeton or rabbitbrush on a saline bottom. Natural disturbances are inherent in succession and in some case we may manage for lower successional stages. Collaborative processes use Desired Plant Community extensively to create a landscape that has some of everything meeting or exceeding land use objectives established for an ecological site.

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CITE 43 USC Sec. 1712 01/24/94
EXPCITE TITLE 43 - PUBLIC LANDS
CHAPTER 35 - FEDERAL LAND POLICY AND MANAGEMENT
SUBCHAPTER II - LAND USE PLANNING AND LAND ACQUISITION AND
DISPOSITION

HEAD Sec. 1712. Land use plans

STATUTE (a) Development, maintenance, and revision by Secretary

The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) Coordination of plans for National Forest System lands with Indian land use planning and management programs for purposes of development and revision

In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall -

- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;
- (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;
- (3) give priority to the designation and protection of areas of critical environmental concern;
- (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;
- (5) consider present and potential uses of the public lands;
- (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;
- (7) weigh long-term benefits to the public against short-term benefits;
- (8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and
- (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use

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inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended (16 U.S.C. 4601-4 et seq.), and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

- (d) Review and inclusion of classified public lands; review of existing land use plans; modification and termination of classifications

Any classification of public lands or any land use plan in effect on October 21, 1976, is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

- (e) Management decisions for implementation of developed or revised plans

The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

- (1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or

major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 1714 of this title may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318-2352; 30 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 1714 of this title or other

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action pursuant to applicable law: Provided, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) Procedures applicable to formulation of plans and programs for public land management

The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

SOURCE (Pub. L. 94-579, title II, Sec. 202, Oct. 21, 1976, 90 Stat. 2747.)
REFTEXT REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c)(9), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables.

Act of September 3, 1964, as amended, referred to in subsec. (c)(9), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, known as the Land and Water Conservation Fund Act of 1965, which is classified generally to part B (Sec. 4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

The Mining Law of 1872, as amended, referred to in subsec. (e)(3), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended, which was incorporated into the Revised Statutes of 1878 as R.S. Sec. 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of R.S. Sec. 2318-2352, see Tables.

SECRET SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1713, 1732, 1752, 1781, 1783, 1784, 1901, 1903, 1904 of this title; title 16 sections 460uu-43, 460iii, 1333; title 42 section 6508.

Town of Pahrump

Past and Present Working Towards a New and Better Future

June 28, 2000

USDA Forest Service-CAET
Attention: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, Utah 84112

RE: Roadless Area Conservation

On behalf of concerned citizens, the Pahrump Public Lands Advisory Board and the Pahrump Town Board, we are asking that the comment period for the above referenced be extended sixty (60) days from the current deadline date of July 17, 2000.

Though countless efforts were made to obtain a copy of this proposal, the Public Lands Advisory Board was unable to obtain a copy until May 31, 2000. And in abiding by the Open Meeting Laws, it takes time for the different entities to evaluate this proposal.

Our main areas of concern are the reconstruction of roads, the Tongass National Forest being exempt until the year 2004, ability to fight fires in roadless areas, and seniors and disabled people having access to our natural resources.

We appreciate your consideration of our request.

Sincerely,

Edward Bishop
Chairman, Pahrump Town Board

Charles Gronda
Clerk, Pahrump Town Board

cc: Town Board
Public Lands Advisory Board

CAET RECEIVED
JUL 10 2000

FROM : Town of Pahrump

PHONE NO. : 702-727-0345

Jul. 17 2000 01:56PM P1

4 2 1 5



Town of Pahrump

July 17, 2000

Past and Present Working Towards a New and Better Future

USDA Forest Service - CAET
 Attention: Roadless Areas Proposed Rule
 P.O. Box 221090
 Salt Lake City, Utah 84112

RE: Roadless Area Conservation

The Pahrump Town Board along with our Public Lands Advisory Board opposes the roadless proposal.

The vast majority of the State of Nevada is public land. Nye County has well over a million acres of planned roadless area. This plan would not only affect the livelihood of many, but also recreational opportunities of others.

Natural resources are a product of our environment. If the production of fuel and minerals in the United States is limited more than it is today, the consumer will still acquire the necessary raw materials at a greater cost from imports.

With the event of no roads, will this impede our ability to fight the wild land fires?

The outdoors and the natural environment are essential for the education of our youth. The wonder that a child from the city experiences cannot be measured. It is a whole new world for them to explore.

How will older citizens and the disabled enjoy nature first hand? How does the ADA fit into this proposal?

We request that this proposal be reconsidered as there are many areas of concern that need to be addressed. Take no action.

Sincerely,

Ed Bishop
 Ed Bishop
 Chairman
 Pahrump Town Board

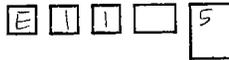
Charles Gronda
 Charles Gronda
 Clerk
 Pahrump Town Board

cc: Town Board
 Public Lands Advisory Board

400 N. HIGHWAY 160 PAHRUMP NEVADA 89048 (775) 727-5107 FAX: (775) 727-0345

06/27/00 TUE 11:13 FAX

JUDD GREGG
NEW HAMPSHIRE
CHIEF DEPUTY WHIP
COMMITTEES:
BUDGET
APPROPRIATIONS
HEALTH, EDUCATION, LABOR
AND PENSIONS
GOVERNMENTAL AFFAIRS



United States Senate

WASHINGTON, DC 20510-2904
(202) 224-3324

PRESERVE THE NEW HAMPSHIRE WAY

by
U.S. Senator Judd Gregg (R-NH)
Member, Senate Appropriations' Subcommittee on the Interior

With the stroke of a pen, the tradition of citizen involvement in managing the White Mountain National Forest was swept aside by the Clinton/Gore Administration's roadless area proposal. Never before in the history of the White Mountain Forest has a decision of this magnitude been generated in Washington rather than at the local level.

Since 1952, the citizens of New Hampshire have managed the forest through participation and consensus-building, and without rancor. This inclusive process involves literally dozens of groups and thousands of concerned citizens from environmental groups, local towns and counties, local chambers of commerce, timberland owners, recreational groups, and others. The Clinton/Gore Administration turns this history on its head by deciding for the people of New Hampshire how the forest will be managed.

Just as problematic is that fact that the Clinton/Gore proposal preempts the forest plan revision process that had been underway in New Hampshire for nearly two years. Despite a nationwide moratorium on forest planning, I secured an exemption in 1998 for the White Mountains to go forward with their own forest management plan, as well as \$500,000 to support it, knowing that the result would be a product all of us could respect. Just as process was about to formally commence, the Clinton Administration imposed their view of what the outcome should be, leading some of us to believe that this unilateral action was designed to prevent any other possible outcome. Unlike the Clinton Administration, I would have exempted forests which had begun a forest revision plan and allowed the local process to move forward.

As the New Hampshire General Court stated in the bipartisan resolution it adopted (H.C.R. 25) in January 2000, the Clinton/Gore roadless proposal should be rejected because it infringes on the rights the people of New Hampshire have in managing certain lands within their borders. Restoring the right of New Hampshire's people to determine how certain lands within its borders will be used led me to offer an amendment exempting the White Mountains from the roadless proposal. I strongly believe that the citizens of New Hampshire should control their own destiny and not take a back seat to the national environmental agenda of the Clinton/Gore administration or outside environmental groups, whose ultimate goal is to shut down the forest to any commercial activity.

Portsmouth 43968 001

OFFICES:

125 N. MAIN STREET
CONCORD, NH 03301
(603) 225-7115

28 WEBSTER STREET
MANCHESTER, NH 03104
(603) 622-7979

3 GLEN AVENUE
BERLIN, NH 03570
(603) 752-2604

99 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431-2171

00 TUE 11:14 FAX

Portsmouth

002

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The White Mountain Forest covers over 785,000 acres in New Hampshire and Maine. It encompasses 12 percent of New Hampshire's land base. In 1952, the forest became the first national forest to form a citizens advisory committee. This group brokered the 1984 New Hampshire Wilderness Act, which I supported and by which Congress and President Reagan permanently set aside 77,000 acres in Wilderness designation. I also strongly supported the 1986 forest management plan which allocated over 56 percent of the forest to unmanaged forest reserve and backcountry recreation. In 1990, I supported the Maine Wilderness Act, which established the Caribou-Speckled Wilderness Area in the Maine portion of the Forest.

By issuing a top-down order that ignores the situation each national forest finds itself in, the President calls into question the entire notion of citizen participation in forest planning. My constituents have rightly asked "If the President can ignore us on this decision, why should we believe that any other decision in the forest plan is safe?"

New Hampshire's long tradition of consensus building on issues related to forest management was even recognized by Vice President Gore, who said during a New Hampshire primary debate on January 5, "... there is an ongoing consultative process that has been extremely effective in protecting the environment and in protecting the welfare and well-being of the communities and the families that live adjacent to the White Mountain Forest. Now if areas of that forest are protected under the new order, the same process of consultation that has been used in the past, that gives individuals and communities input into the process, will be a part of this process." (Excerpted from Democratic Party Presidential Primary Debate, Durham, NH, 01/05/2000.)

Then, just five months later, as he accepted the endorsement of a liberal environmental group, the Vice President did an about face, stating, "If I am entrusted with the presidency, it will be a national priority to preserve these roadless areas as they are, no ifs, ands, or buts, about it ... And just so I'm crystal clear about it, no new road building and timber sales in the roadless areas of our national forests. Period." (As reported by James Dao, The New York Times, May 31, 2000.)

Some critics of my efforts maintain that the public hearings currently underway give the people their day in court. The problem with that argument is that the Clinton/Gore Administration has played judge and jury in this case and the outcome has already been decided. I wholeheartedly support the public hearing process, but given this Administration's disregard for local opinion, I do not believe the Administration will significantly alter its roadless proposal.

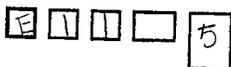
What we need to do is respect the forest plan management revision effort that was initiated two years ago and empower local citizens by making their voice heard. This would allow the citizens that best know the forest and have the greatest stake in its management to help decide how lands are used and what areas should be set-aside as "roadless areas." It would go a long way toward restoring public trust in the forest planning process and honoring the New Hampshire way of doing things.

CAET RECEIVED
JUL 12 2000

BOB SMITH
NEW HAMPSHIRE

opinion@smith.senate.gov
http://www.senate.gov/~smith/

United States Senate
WASHINGTON, DC 20510-2903



June 27, 2000

Mr. Michael Dombeck, Chief
U.S. Forest Service
USDA Forest Service, CAET
ATTN: Roadless Areas Proposed Rule
P.O. Box 221090
Salt Lake City, UT 84122

CAET RECEIVED
JUL 10 2000

Dear Chief Dombeck:

I represent constituencies associated with the White Mountain National Forest (WMNF) and have strong reservations with regard to the Forest Service roadless areas proposal.

As I have stated in past letters, I am deeply concerned about this directive that would permanently remove millions of acres from publicly-developed forest management plans (FMP), and based upon alternative number 2, would remove up to 119,000 acres from the WMNFs current plan.

I believe that mandating a blanket roads policy on National Forests will serve to undermine the cooperative dialogue that takes place during each forest's revision plan, and diminish the important role that these plans play in our National Forests.

As Congress has mandated, the WMNF is currently in the process of developing it's next Forest Management Plan (FMP) and recently filed its Notice of Intent (NOI). The staff at the WMNF has been holding meetings all across New Hampshire and New England to receive input on how the people want their forest to be managed. This process has worked well at striking a balance between the various interests for logging, recreation, and conservation.

I believe strongly in this public input process and am discouraged by the Clinton Administration's attempt to unilaterally impose their Washington-knows-best mentality on how our public lands in New Hampshire should be managed. Therefore, I reject any alternative that would permanently remove acres from the public developed FMPs.

Sincerely,

Bob Smith, U.S.S.

DINKSEN BUILDING
SUITE 307
WASHINGTON, DC 20510-2903
(202) 224-2841
(202) 224-1353 (FAX)

1750 ELM STREET
SUITE 100
MANCHESTER, NH 03104
(603) 634-5000
(603) 922-2730

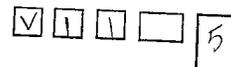
PRINTED ON RECYCLED PAPER

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CHAIRMAN,
ENVIRONMENT AND PUBLIC WORKS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE JUDICIARY
SELECT COMMITTEE ON ETHICS



JEANNE SHAHEEN
GOVERNOR

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR



June 26, 2000

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

CAET RECEIVED
JUL 10 2000

Dear U.S. Forest Service:

I am writing to comment on the Roadless Area Proposed Rule and the Draft Environmental Impact Statement (DEIS) published in May.

I remain deeply concerned about this proposal. As I said in my comments on the Notice of Intent (NOI) last December, historically forest management decisions and revisions of land allocations have occurred through the Forest Plan Revision process. In our White Mountain National Forest (WMNF), this process has worked successfully over the years to balance the many uses and values of the WMNF. I believe our WMNF is a model for sustainable forestry practices that accommodate multiple uses of the Forest, including timber harvesting, many forms of recreation, and the protection of wildlife habitat.

In the absence of the so-called "roadless initiative" announced by the President, proposals to expand roadless areas in the WMNF would have been presented and evaluated as part of the public discussion about revisions to our WMNF management plan. I am not opposed to the addition of roadless areas to the WMNF, but believe the discussion and analysis of such forest management issues should occur in the context of the Forest Plan Revision process, where those most familiar with and impacted by what happens on our WMNF are the leading voices. Instead, the WMNF roadless discussion is now embroiled in a national debate, where the polarization of interests is exacerbated by the politicized nature of a presidential initiative.

While I am pleased to note that the proposed rule and DEIS go some distance in returning this discussion to the arena where it belongs, it is crucial that the Forest Plan Revision process remain the primary forum for determining how the WMNF should be managed in the future. The Forest Planning Revision process must retain maximum flexibility to address the needs and concerns of those most engaged at the local level with our national forests.

ONE HARBOUR PLACE
SUITE 435
PORTSMOUTH, NH 03801
(603) 433-1667
(603) 922-2230

44074

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New Hampshire Fish and Game Department

2 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Web site: <http://www.wildlife.state.nh.us>

TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-1438
E-mail: info@wildlife.state.nh.us

Wayne E. Vetter
Executive Director



July 11, 2000

USDA Forest Service-CAET
Page 2

For these reasons, I remain opposed to the proposed rule and urge you leave forest-planning and decision-making at the local level as part of the Forest Plan Revision process.

Thank you for your consideration.

Very truly yours,

Jeanne Shaheen

cc: Vice President Al Gore

George Frampton, Acting Director
Council on Environmental Quality

George Bald, Commissioner
NH Department of Resources and Economic Development

Wayne Vetter, Director
NH Department of Fish & Game

USDA Forest Service-CAET
Attention: Roadless Area Conservation Proposed Rule
Post Office Box 221090
Salt Lake City, Utah 84122

RAFT RECEIVED
JUL 17 2000

Dear Forest Service:

The New Hampshire Fish and Game Department submits the following written comments regarding the Draft Environmental Impact Statement on the Forest Service Roadless Area Conservation Proposed Rule. Our comments pertain specifically to the White Mountain National Forest, the majority of which is in New Hampshire. The comments are also consistent with the position taken by the NH Fish and Game Commission at their meeting on December 15, 1999, to oppose additional restrictions on timber management and public access on the White Mountain National Forest.

The New Hampshire Fish and Game Department recommends the selection of Alternative 1, the No Action Alternative. This alternative provides the greatest flexibility for local national forest managers to design and implement projects consistent with approved Forest Plans, which are developed to address ecological, social and economic concerns in identified local and regional contexts. In addition, project level planning requires an environmental assessment that includes public input. For these reasons, we feel Alternative 1 provides the greatest opportunity for public involvement in decision making at the local level. We believe a high level of local public involvement has been and should continue to be a critical element in the Forest Service planning process here in New England.

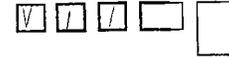
Under the Procedural Alternatives, the New Hampshire Fish and Game Department recommends Alternative B, your proposed action and preferred alternative. This alternative allows the local managers the flexibility to incorporate an evaluation of roadless areas into the Forest Plan Revision process. This again provides for a high level of

Conserving New Hampshire's wildlife and their habitats since 1865.

Roadless Area Conservation

Volume 4 - Letters from Agencies and Elected Officials

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Roadless
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participation and decision making by those who have the greatest understanding of local situations and greatest investment in the outcome of Forest planning.

Alternatives 1 and B also allow for timber management in areas under various roadless designations. The continuation of timber harvesting is a critical component in attaining the distribution of vegetative communities and forest age classes upon which our native wildlife populations depend. Well-planned timber harvesting is a tool to sustain and enhance biodiversity in New Hampshire.

We have attached our December 17, 1999 comments on the Roadless Area NOI for further clarification.

Sincerely,

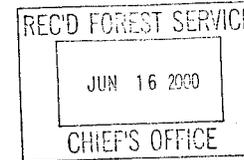
Wayne E. Vetter
Wayne E. Vetter
Executive Director

Cc: Senator Judd Gregg
Senator Robert C. Smith
Congressman John E. Sununu
Congressman Charles Bass
Governor Jeanne Shaheen
Donna Hepp, Forest Supervisor, WMNF



KATHERINE WELLS WHEELER
Vice President - Operations
District 21

Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090



CAET RECEIVED

JUN '2 2 2000

June 13, 2000

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of New Hampshire, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National forest provides places to live for many different types of wildlife ranging from black bear to moose, from spotted salamander to over 180 species of birds. Protecting them protects our history and ensures a vibrant future.

Office 271-2111

TTY/TDD
1-800-735-2964

JUN 21 RECD

Received in FS/CCU

Initial: RH

Control No: 4155771

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The Senate of the State of New Hampshire

107 N. Main Street, Room 302, Concord, N.H. 03301-4951

KATHERINE WELLS WHEELER
Vice President - Operations
District 21

Office 271-2111

TTY/TDD
1-800-735-2964

6344



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In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Senator Katherine Wells Wheeler

cc: Senator Judd Gregg

Chief, U.S. Forest Service
P.O. Box 96090
Washington, D.C. 20090



Dear Mr. Dombeck:

As a State Representative, I am writing to you in support of a Forest Service policy to protect roadless areas in our national forests. I understand you are presently holding hearings around the country to measure public attitudes toward this policy and that there will be a hearing in Concord, N.H. on June 26.

I represent two small towns in the Monadnock region of this state. My constituents place a very high value on the existence of unspoiled wild areas for recreation and a refuge from the deadly pressures of modern life. Many of them have chosen to live in this area for its natural beauty and healthy environment. They tend to be very politically active in environmental matters and they are concerned about the ongoing destruction in our remaining forest wilderness.

Many of my constituents are disturbed by the continued road building, logging and mining in our national forests. They do not want the public's natural treasure exploited destructively for private gain. We want our patrimony protected for our children and grandchildren. We expect the Forest Service to protect such public assets as the White Mountain National Forest for the common good. The establishment of more roadless areas, like the Pemigewasset Roadless Area, is in the public's best interest.

I do not need to repeat to you the many arguments in favor of this policy, such as the preservation of wildlife habitat, protection of aquifers and clean water, and the economic benefits of tourism, hunting, camping which go with preserving roadless wild areas.

I urge the Forest Service to protect all roadless areas of 1000 acres and larger in all the national forests. Keep such areas free from logging, mining, commodity development and other destructive practices.

Sincerely yours,

James C. Curran
State Representative
Hillsborough District 9

Received in FS/CCU
Initial: RA
Control No: 4156201

cc: Senator Gregg

TDD Access: Relay NH 1-800-735-2964

STATE OF NEW HAMPSHIRE
HOUSE OF REPRESENTATIVES, CONCORD

Representative Arthur Pelletier
94 Back River Rd.
Dover, NH 03820 742-1802

June 13, 2000

Mr. Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As an elected official of NH, I feel it is crucial to maintain undamaged and pristine wild areas.

NH citizens place a high premium on these wild areas as places of recreation and spiritual renewal, and millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National forest provides places to live for many different types of wildlife. Protecting them protects our history and ensures a vibrant future.

Roadless areas also help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. For the year 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will better serve the public than using them for extractive purposes.

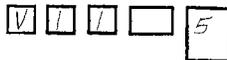
I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. Such a strong policy will best serve the public interest.

Sincerely,



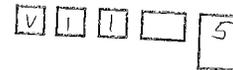
State Representative, District 12

Cc: Senator Judd Gregg



CAET RECEIVED

JUN 22 2000



Jim Splaine
201 Oriental Gardens
Portsmouth, NH 03801
Telephone & FAX: (603) 436-0718
E-Mail: JimSplaine@aol.com

NH State Representative
Portsmouth & Newington
Rockingham #34

Michael Dombeck
Chief U.S. Forest Service
P.O. Box 96090
Washington, DC 20090

Dear Chief Dombeck,

First, please allow me to put a little personal perspective as to why I am writing to you. I am a lifelong resident of New Hampshire, and when I was 15 I made my very first visit to the New Hampshire White Mountains National Forest. For most of my life until then I had lived in Portsmouth, a small coastal city but a city nevertheless. I had traveled to Boston a few times in "shopping events" with my parents, but other than those trips, I had not explored much of this world of ours.

I was awestruck when I first saw those mountains. The vastness of forests as far as the eye could see was immediately appealing to me. The next year I spent my first nights camping and hiking in those forests, and eventually I would hike the Presidentials, climb Mt. Washington more than a dozen times, and stay in many of the campgrounds, both private and public. To this day I enjoy every opportunity I have to visit the national forests of our state.

I am a member of the NH Legislature, representing Portsmouth and Newington in the House of Representatives. I had been in the House and Senate for a total of 20 years, in terms dating back to 1969. During that time I have seen considerable destruction of many parts of our state due to both planned and unplanned development.

Today, I am writing to strongly ask you to adopt a policy to protect roadless areas in our national forest. The more roads we build, the more logging and mining we do, and the more residential and business construction we undertake - - here in New Hampshire as well as in any of our national forests - - remove trees, vegetation, and wildlife habitats that may never be replaced or repaired.

The Pemigewasset Area of the White Mountain National Forest is a particular favorite of mine. During the course of the past nearly forty years, I have probably visited that area 30 times, spending many relaxing days and nights in the area, and seeing many types of wildlife. We need to protect that area, and all of our remaining forests.



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You know the many arguments in favor of protecting our national forests. We need the forests for those things important for our own existence, such as production and cleaning of the air we breath, purification of the water we drink, and maintaining the balance of the wildlife that shares this planet with us. In addition, the national forests allow us as human beings a place where we can "get away from it all." From my own perspective as I told you when I opened this letter, I hope that other young boys and girls who grow up will be able to have the same kind of experience I had so long ago: the awe of seeing untouched national forests that go on, and on, and on.

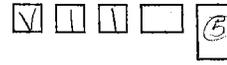
Please protect these areas with a roadless areas protection policy that will stop encroaching development, logging, and business exploitation. Our prosperity depends on much more than just the tangible things. My own vision of the future is one where the best of our past is protected and preserved forever.

Respectfully,

Jim Splaine
Jim Splaine
NH State Representative
Portsmouth & Newington
Rockingham #34

- cc. Senator Judd Gregg
- cc. Senator Bob Smith
- cc. Congressperson John Sununu
- cc. Congressperson Charlie Bass

Charles Vaughn



yes

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Dear Mr. Dombeck,

I am writing to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of New Hampshire, I well understand the critical importance of intact and undamaged pristine wild areas.

The citizens I represent place a high premium on these wild areas as places of recreation and spiritual renewal. Even if they are not so fortunate as to live next to a national forest roadless area, millions of Americans from every part of the country seek them out each year for just these purposes.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wilderness. New Hampshire is fortunate to have some of this nation's most impressive national forests. Such places as the Pemigewasset Roadless Area in the White Mountain National Forest stand out as national and local treasures.

Roadless areas provide unique habitat for many different species of wildlife. Part of our state's heritage is based on the vitality of our forests. The White Mountain National Forest provides places to live for many different types of wildlife ranging from black bear to moose, from spotted salamander to over 180 species of birds. Protecting them protects our history and ensures a vibrant future.

In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking and touring opportunities that can retain current residents and businesses, while also attracting non-resource extraction businesses. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely, *Charles Vaughn* 06/23/2000
State Representative, New Hampshire General Court

cc: Senator Judd Gregg

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JUN 03 2000

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Charles Vaughn



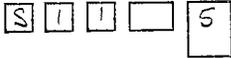
DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO

Box 30005, Dept. 3189
Las Cruces, New Mexico 88003-8005
Telephone (505) 646-3007

Gary Johnson
Governor

Frank A. DuBois
Secretary

July 11, 2000



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

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Dear Sir or Madame:

The following comments address the U.S. Forest Service's (FS) Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (DEIS).

Wilderness

In table 2-2 under Impacts to Designated or Potential Wilderness for the preferred alternative the following information is provided:

Maintaining inventoried roadless areas would sustain a low level of threat to wilderness values and protect land between Wilderness areas and developed land. Opportunities for recreation that require remote characteristics, but are of a less restrictive nature than wilderness, would be maintained.

The quote above implies inventoried roadless areas will provide a buffer between developed land and Wilderness. This is a violation of FS policy, Forest Service Manual (FSM) 2320.3 states:

Because wilderness does not exist in a vacuum, consider activities on both sides of wilderness boundaries during planning and articulate management goals and the blending of diverse resources in forest plans. **Do not maintain buffer strips of undeveloped wildland to provide an informal extension of wilderness.** Do not maintain internal buffer zones that degrade wilderness values. Use the recreation opportunity spectrum (FSM 2310) as a tool to plan adjacent land management. [emphasis added]

FSM 2320.3 could also be violated by creating an informal extension of wilderness, if inventoried roadless and other unroaded areas are managed ". . . to sustain their roadless characteristics, they are still the reservoir for future designated wilderness areas." Wilderness area management is more restrictive in the type of activities allowed. The New Mexico Department of Agriculture

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(NMDA) believes if inventoried roadless areas are managed to promote wilderness characteristics there will be further restrictions placed on livestock permittees and leasees of public land.

Litigation

The amount of litigation should not be used to justify this rule. NMDA requests the FS provide the citations for the volumes of appeals and litigation referenced in the following statement:

(1-4) "These inventoried roadless and other unroaded areas are currently managed using the forest planning process. On many national forests and grasslands, roadless area management was the single largest point of conflict in the adoption of land and resource management plans (also referred to as forest plans). Controversy continues today accompanying virtually every proposal to harvest timber and build roads in roadless areas. The volume of appeals and litigation over the last 20 years illustrates the importance that many Americans attach to these remaining unroaded lands."

NMDA believes litigation should never replace science based natural resource management. Many times litigation is filed by a few not-for-profit, special interest groups.

Amount of Miles Prohibited

The following statements found throughout the DEIS substantiate the premise that this rule serves no purpose.

(3-12) "Of the 54.3 million inventoried roadless acres considered in this DEIS, approximately 20.5 million acres would remain roadless (except for valid existing rights, etc.) because their existing forest plan prohibits road construction . . . Of the 33.8 million acres, 2.8 million acres have already been roaded over the past 20 years. If this trend continues, it would likely be at the same rate or less than what has taken place in these areas over the past 20 years (less than 0.5 percent per year)." In the future "this rate of development is likely to be even less."

The above statement indicates that 38 percent of the inventoried roadless area acres are already covered by forest plans that prohibit road construction. The other 62 percent is expected to be roaded at a rate of less than 0.5 percent per year.

In the DEIS it is difficult to decipher the estimated miles of road to be constructed or reconstructed over the next five years. The following quotes in the Effects of Prohibition Alternatives, under Alternative 1 - No Action, are found two paragraphs apart:

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(3-16) Approximately 300 miles of road construction and reconstruction is planned in inventoried roadless areas over the next 5 years.

(3-17) It is estimated that approximately 1,444 miles of permanent and temporary roads will be constructed or reconstructed in inventoried roadless areas over the next 5 years."

The 300 miles in the first quote amounts to 60 miles of road construction and reconstruction per year. In the second quote the 1,444 miles indicates 644 miles are to be constructed or reconstructed in Alaska over the next five years. The remaining 800 miles, or 160 miles per year would be constructed outside of Alaska.

In Chapter 3, Fire Suppression, the 800 miles of road construction and reconstruction in inventoried roadless areas appear to be confirmed by the following passage:

(3-156) The road prohibition would affect approximately 800 miles of road outside of Alaska within a land area that encompasses nearly 34 million acres.

If the 800 miles is correct, only 160 miles per year will be constructed in 34 million acres. This 160 miles per year of road will be constructed in an area approximately the size of Wisconsin.

To add to the confusion, Chapter 3, Road Construction, declares:

(3-198) Of the 638 miles of roads planned for non-timber projects, up to 270 miles may be prohibited by Alternatives 2 through 4. The remaining 368 miles would not be prohibited because of valid existing rights.

Using the miles of road in the above passage, only 270 miles of road construction and reconstruction would be prohibited. It is not clear over what period of time the 638 miles of road is projected to be constructed. NMDA requests clarification of this passage by providing a projected time period. Furthermore, NMDA requests the actual estimated number of miles to be constructed or reconstructed in inventoried roadless areas be provided nationally, by region, and by forest. Regardless of the clarification, NMDA believes this proposed rule and DEIS are a waste of time and money based on the insignificant amount of road construction that will be prohibited. As such, NMDA requests this proposed rule be withdrawn, and the money that would have been spent continuing this process be used to reduce the road maintenance backlog.

Population Density

As the population and the demand for recreation continues to increase in New Mexico, the potential for conflict between recreationists and livestock grazing permittees will also increase.

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(3-127) "Historically dispersed recreation followed roads built for timber or fire prevention. As use became heavy and demand for amenities increased, some areas became suitable for developed sites. This resulted in wide dispersion of small to medium sized developed sites. This option will no longer be available in inventoried roadless areas. All future increased developed recreation demand will be met and concentrated in areas already available for development." This prohibition will effectively concentrate more recreationists in a smaller area, and increase the potential for conflict. As such, NMDA requests the FS withdraw this proposed rule or provide measures, in an amended DEIS, that will serve to mitigate the potential conflict between recreationists and livestock permittees.

The recreation pressure will also increase on private land that serves as base property for livestock grazing permits. There will be conflict between the private landowners, ranchers, and the public who assume they have the right to recreate anywhere in a national forest. NMDA requests the FS withdraw this proposed rule or prepare an amended DEIS that addresses measures to mitigate the conflict between private land inholdings and recreationists.

Range Condition

NMDA requests the FS provide citations that substantiate the statement that a prohibition on road construction and reconstruction in inventoried roadless areas "... would have a positive effect on range condition by reducing the potential for introducing non-native invasive species."

Fuel Reduction

NMDA is concerned the prohibitions on road construction and reconstruction in inventoried roadless areas could potentially have a negative impact on rural citizens and their communities. This potential impact would result from an inability to reduce fuel loads in inventoried roadless areas classified as having a moderate to high risk of catastrophic fire. In addition to prohibiting access, the proposed rule will substantially increase the cost of fuel reduction. In New Mexico, 1,122,000 acres (74 percent) of the inventoried roadless areas are in the moderate to high risk categories. If these areas at moderate to high risk for catastrophic fire are not treated, NMDA believes there is a potential for the loss of livestock and human life. A catastrophic fire would consume the forage required to sustain permitted livestock. The permittee would have to lease alternative pastureland to provide forage or sell his surviving livestock. To avert catastrophic fire, fire prevention through fuel reduction should be given a high priority. When moderate and high fuel loads are reduced, and fire is reintroduced into the National Forest System, less money will be needed for fire suppression.

Region 3 also deviates from the national trend in the size of fires that occur in inventoried roadless areas. (3-157) "Specific analysis of the fire occurrence data indicates that larger fires occur in inventoried roadless areas in ... Region 3 (Arizona and New Mexico)." The reason

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provided in the DEIS for the occurrence of larger fires in Region 3 was due to classifying fires in inventoried roadless areas as low priority. This reason conflicts with the data presented in table 3-34 indicating that in Region 3 there is little difference between fire size outside inventoried roadless areas (6,417 acres) and inside inventoried roadless areas (5,174 acres). Table 3-34 also indicates the size of human caused fires inside inventoried roadless areas (11,333 acres) are almost twice the size of human caused fires outside inventoried roadless areas (6,692 acres). With the strict application of FS policy to extinguishing human caused fire more quickly, human caused fires should consume smaller acreage. When only a small amount (3 percent) of fires in Region 3 occur in inventoried roadless areas and human caused fires are almost twice the size, there appears to be other factors influencing the fire size. NMDA asserts that with 74 percent of the inventoried roadless areas potentially needing fuel reduction treatments, and the larger fire size, this prohibition will have a negative impact on rural livestock producers and their communities.

If this rule is enacted, NMDA requests the rule be changed in the following manner. In § 294.12 (b) a provision that will allow road construction in inventoried roadless areas for fuel reduction when there is a moderate to high risk for catastrophic fire.

Proposed Rule

This proposed rule contradicts the proposed policy in FSM 7703.1, "Make road construction and reconstruction decisions locally, with public involvement and based on thorough analysis considering the latest scientific information on the adverse effects of roads on ecosystems." NMDA believes road construction and reconstruction decisions, in any part of a National Forest System that is not a designated wilderness, should be made at the forest level. As such, the proposed rule should be withdrawn to continue to allow inventoried roadless area decisions to be made at the forest level.

NMDA believes road construction and reconstruction in inventoried roadless areas should be addressed at the forest level. A general prohibition on road building in inventoried roadless areas is a one shoe fits all approach to management. Enactment of this rule will remove one of the tools land managers are able to employ when managing national forests using adaptive management. Furthermore, the DEIS does not adequately address the impact of this prohibition on the livestock permittees and leases and local communities in and around national forests. The DEIS should conform to the Council on Environmental Quality National Environmental Policy Act regulations, which require comprehensive, detailed analyses of the listed factors (ecological, aesthetic, historic, cultural, economic, social, and health), and should not only identify the economic impacts (direct, indirect, and cumulative), of all the alternatives, but it should also quantify these impacts.

In addition to the impacts to permittees and local communities, this rule will only affect as much as 160 miles, or as little as 60 miles, per year in inventoried roadless areas. Based on the

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information presented in this letter, NMDA requests the rule be withdrawn and an amended DEIS be prepared and submitted for further public review that addresses the issues presented herein. As stated by all the stakeholders present for a planning meeting for the Burro Mountains in southern New Mexico, "the Burro Mountains need to be managed for multiple use." In other words, access needs to be provided for all activities in the National Forest System. As such, NMDA requests the FS base national forest management decisions on a rigorous analysis of multiple use needs.

Sincerely,



Frank A. DuBois

FAD/tjw/gad

07/17/00 MON 18:29 FAX 505 827 7801

GAME & FISH CSD

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Los Alamos, NM

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July 14, 2000

USDA Forest Service-CAET
Post Office Box 221090
Attention: Roadless Areas Proposed Rule
Salt Lake City, Utah 84122Re: Forest Service Roadless Area Conservation Draft Environmental Impact Statement.
NMGF Doc. No. 7094

Dear Sirs:

The New Mexico Department of Game and Fish has reviewed the U.S. Forest Service (USFS) Roadless Area Conservation Draft Environmental Impact Statement (DEIS). The USFS is proposing to prohibit road construction within inventoried roadless areas (IRAs) within National Forest System (NFS) lands, unless roads are needed in these areas for public health and safety, reserved or outstanding rights, or other specified reasons.

ALTERNATIVES

Alternative 1: No Action; no roading prohibitions in inventoried roadless areas (IRAs) other than those currently existing in Forest Plans.

Alternative 2 (Proposed Action and Preferred Alternative): Prohibit road construction and reconstruction within unroaded portions of IRAs. This alternative would still allow timber harvest.

Alternative 3: Prohibit road construction, reconstruction, and all timber harvest except for stewardship purposes within unroaded portions of IRAs.

Alternative 4: Prohibit road construction, reconstruction, and all timber harvest within unroaded portions of IRAs.

BACKGROUND

Using the 1979 Roadless Area Review and Evaluation (RARE II) inventory, the USFS has identified 54.3 million acres of IRAs in the United States. Road building is currently not allowed in 20.5 million of these 54.3 million acres. Road building is allowed in the remaining 33.8 million acres of IRAs affected by this initiative. Within the total 54.3 million acres of IRAs, an estimated 2.8 million acres have been roaded since they were inventoried. These portions of IRAs that have been roaded since they were inventoried are not proposed for roadless protection under this initiative.

There are 2,832 IRAs in the U.S., comprising 28% of all NFS lands, and representing approximately 2% of the total land base of the United States. Although the majority of these are

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greater than 5,000 acres in size, 20% are smaller. These smaller areas are generally the remaining portions of larger RARE II areas that were not designated as Wilderness, or parcels identified under a different set of criteria mandated by the Eastern Wilderness Act of 1975.

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Without instituting the roading prohibitions proposed by this initiative, the USFS estimates that approximately 1,444 miles of roads would be constructed in IRAs over the next five years. An estimated 2.8 million acres have been roaded and developed to varying degrees during the past 20 years in areas where current land use allows road construction. Should an action alternative not be implemented, the USFS estimates that road construction and timber harvest in IRAs would continue at a rate similar to that experienced over the past 20 years. At this rate, about 5-10% of current IRAs, or 3 to 6 million acres, may have new roads within the next 20 years (p. 3-9).

Several standard exemptions to the road prohibitions would apply equally to all of the action alternatives. The proposed rule states that the responsible official may authorize road construction or reconstruction in any inventoried roadless area when the following criteria are met:

- A road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
- 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;
- A road is needed pursuant to reserved or outstanding rights or as provided for by statute or treaty; or
- Road realignment is needed to prevent irreparable resource damage by an existing road that is deemed essential for access, management, or public health and safety, and where such damage cannot be corrected by maintenance.

Page 3-23 states that the implementation of Alternative 2 or Alternative 3, which allow timber harvest for stewardship reasons, would enable managers to use mechanical thinning, prescribed fire, or other means to treat insect and disease outbreaks and reduce the risk of catastrophic wildfire. Implementation of Alternative 3 would completely prohibit timber harvest, and would limit managers' options for fuel treatments in high-risk areas.

The DEIS abstract states that the proposed action would prohibit road construction and reconstruction in inventoried roadless areas. Based on the language defining the action alternatives, however, we assume this is a misstatement, and should read "...prohibit road construction and reconstruction in unroaded portions of inventoried roadless areas..." to be consistent with the language of the action alternatives and the intent of this initiative. Page S-6 defines three different types of roadless areas:

1. **Inventoried roadless areas.** These areas were identified using various forest planning and assessment processes including the 1979 Roadless Area Review and Evaluation (RARE) inventories. The criteria used for RARE I and RARE II allowed the presence of roads in areas that would later be considered for Wilderness designation under some circumstances (Forest Service Handbook 1909.12,7). Therefore, some "inventoried roadless areas" contain these pre-inventory roads.

This potential preexistence of roads within IRAs explains the statements in the abstract and elsewhere in the DEIS that the proposed action (and the other action alternatives) would "...prohibit road construction and reconstruction within unroaded portions of inventoried roadless

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areas...". This statement appears to be a direct contradiction to a roadless condition, which would not allow for "reconstruction" of a road.

- Unroaded portions of inventoried roadless areas.** After the inventories were completed, some IRAs were managed using prescriptions that allowed road construction. While many inventoried roadless areas remain "roadless", others have been roaded to varying degrees. The prohibitions and procedures would apply only to those portions of IRAs that have not been roaded since the area was inventoried.
- Unroaded areas.** Unroaded areas are those without the presence of **classified roads** (emphasis ours), which are of a size and configuration sufficient to protect the inherent characteristics associated with their unroaded condition. These areas have not been inventoried.

The definition for "Road" in the glossary of the DEIS defines "Classified Roads" as "roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads (36 CFR 212.1). "Unclassified Roads" are defined as "roads not intended to be part of, and not managed as part of, the forest transportation system such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways (36 CFR 212.1)." The fact that "unroaded" is synonymous with "no classified roads", and that there is a potential for unclassified roads to occur in "inventoried roadless areas", "unroaded portions of inventoried roadless areas", and "unroaded areas" is unclear in the DEIS, and needs clarification and emphasis throughout the document.

Another major contradiction occurs on page S-1, which states that no roads or trails would be closed because of these prohibitions. This statement should be changed to state that no "classified" roads would be closed because of these prohibitions.

POTENTIALLY AFFECTED FOREST LANDS IN NEW MEXICO

New Mexico contains approximately 1.5 million acres of IRAs, which consists of 351,000 acres of IRA lands that are not currently protected from additional roading, and slightly more than one million acres of IRA lands that are currently protected from additional roading by existing Forest Plans. The table below identifies 1) IRA acreage in New Mexico by Forest that is not currently protected from additional roading; and 2) IRA in New Mexico by Forest that is protected from additional roading by current Forest Plans.

FOREST	IRA CURRENTLY NOT PROTECTED	IRA CURRENTLY PROTECTED
CARSON	2,000 ACRES	125,000 ACRES
CIBOLA	8,000 ACRES	100,000 ACRES
GILLY	49,000 ACRES	100,000 ACRES
HINCHEN	158,000 ACRES	100,000 ACRES
SANTA FE	53,000 ACRES	128,000 ACRES

Total IRA lands in New Mexico represent 16% of all NFS lands in New Mexico, and 19% of all non-designated lands in New Mexico. Non-designated lands include designated wilderness, wilderness study areas, wild and scenic rivers, and other special designations. IRAs in New Mexico with prescriptions that currently allow roading that would be protected under this initiative represents 3.7% of all NFS lands in New Mexico, and 4.4% of all non-designated NFS lands in New Mexico.

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The most recent information the Department has regarding road mileages on National Forests in New Mexico is from the late-1980s, and was gathered from discussions with USFS personnel. At that time, the Lincoln National Forest identified 3047 miles of existing roads, with 2098 miles of roads open; the Gila National Forest identified 6044 miles of existing roads, with 5665 miles of roads open; the Cibola National Forest identified 4995 miles of existing roads, with 253 miles closed; the Carson National Forest identified 3587 miles of open road; and the Santa Fe National Forest identified 3750 estimated miles of existing road (3 July 1991 NMGF memo).

Discussions with USFS personnel in 1991 suggested that as much as 25,000 miles of roads may have existed on all National Forest lands in New Mexico at that time, and regardless of road closure efforts, it is likely that no net loss of roads occurred due to additional road construction or illegal road creation (1 July 1991 NMGF memo). Although the Forest and Rangeland Renewable Resources Planning Act of 1974 requires that temporary roads be closed and revegetated after use, Forest roads are generally difficult to close and maintain as closed, especially when Forests are managed as "Open Unless Closed", such as the Carson National Forest (18 Feb. 1997 NMGF memo).

Thirty years ago four-wheel drive vehicles (4X4s) were uncommon, snowmobiles and all terrain vehicles (ATVs) were rare to non-existent, and fewer miles of forest roads existed. Today, many more people use the National Forests for recreational purposes, 4X4s are abundant, snowmobiles and ATVs are common, and a dense network of Forest roads exists. Studies demonstrate the effects of increased motorized off-road traffic on wildlife. For example, Dorrance et al. (1975) found that home-range size and daily movement of white-tailed deer increased with increasing snowmobile activity in Minnesota. Yarnoloy (1988) found that mule deer experimentally harassed by ATVs produced fewer offspring the following year. Also, excessive motorized vehicle activity encouraged by extensive road systems degrades the quality of experience for many public-lands users such as hunters, fishermen and nonconsumptive wildlife users.

PURPOSE AND NEED FOR ACTION

I. Maintenance

The USFS currently maintains and administers approximately 386,000 miles of roads on NFS lands. Page 3-13 states that at the conclusion of World War Two, a large portion of the total Forest Service Transportation System (approximately 100,000 miles) was constructed primarily for fire and conservation activities. After 1946, and until approximately the mid to late 1980s, the majority of the 386,000 miles of roads on NFS lands were constructed for logging activities. Average costs to build roads for harvesting timber range from \$50,000 to \$60,000 per mile, while average reconstruction costs range from \$8,000 to \$16,000 per mile (p. S-40). The USFS has an \$8.4 billion maintenance and construction backlog, and budget allocations have averaged less than 20% of the funds needed to do annual maintenance. Each mile of road added to the road system competes for limited road maintenance funding. On average, the need is approximately \$1,500 per mile annually for maintenance. In fiscal year (FY) 2000, the Forest Service received less than 20% of the funding needed to maintain its existing road infrastructure (USDA Forest Service 1999h). Each year's unmet maintenance needs increase the backlog as roads deteriorate and the cost of repairs continues to increase. Page 3-17 states that the USFS estimates that approximately 1,444 miles of permanent and temporary roads will be constructed or reconstructed in IRAs over the next 5 years." Page S-4 states that the lack of maintenance exacerbates the effects of roads on the environment and has led many people within and outside of the USFS to question the logic of building new roads when the agency is unable to manage and maintain the existing road system.

Roadless Area Conservation

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II. Maintaining Quality Recreational Opportunities

Page 3-175 states that in December 1999, the Theodore Roosevelt Conservation Alliance, composed of member organizations such as the Rocky Mountain Elk Foundation, the Mule Deer Foundation and Trout Unlimited, conducted a survey of 600 hunters and anglers to solicit their opinions regarding road management in existing roadless areas of NFS lands (TRCA 1999). The survey found that 86% of anglers and 83% of hunters surveyed support a policy to prevent future road building in roadless areas. These hunters and anglers highly valued many attributes of unroaded NFS lands, including the habitat they provide for endangered species, the protection of water quality, and the opportunity to hunt, fish and experience solitude in remote places with few roads and people.

We conducted a literature search to determine the effects of additional roading on hunting opportunities and game species. We present below a sample of findings from studies on road effects on deer and elk, primarily conducted in the 1970s:

- Rost and Bailey (1979) found that deer and elk avoided roads, with deer exhibiting a stronger avoidance response than did elk.
- Berry and Overly (1976) found that roads reduce big game use of adjacent habitat from the road edge to over 0.5 miles away.
- Bancroft (1990) revealed the widespread illegal practice of road hunting in Arizona using decoy deer and elk. Eleven of 19 archery elk and deer hunters and 41 of 53 firearms hunters committed violations by attempting illegal take after observing a decoy from their vehicle.
- Basile and Lonner (1979) found that travel restrictions on roads appeared to increase the capability of the area to hold elk in Montana.
- Black et al. (1976) found that closure of roads provided improved hunting success.
- Irwin and Peek (1979) found that road closures allowed elk to remain longer in preferred areas.
- Johnson (1977) discussed road closures in the Tres Piedras area in New Mexico during big game season with general public acceptance and increased elk harvest.
- Leege (1976) found that logging and road-building activity along major migration routes changed the winter distribution of elk.
- Leptich and Zager (1991) reported that no bull elk in highly roaded areas in Montana lived more than 5.5 years, and only 5% lived to maturity. Closing roads extended the age structure of the bull population to 7.5 years, and 16% of the bull population consisted of mature animals. One result of road construction is the decreased capacity of the habitat to support elk from decreased habitat effectiveness. Loss of habitat effectiveness can be at least partially reversed by road closures.
- Lyon (1979) found that elk in Montana avoided habitat adjacent to open forest roads, and that road construction creates habitat loss that increases impacts to elk as road densities increase.
- Lyon and Vasile (1980) found that an expanding network of logging roads made elk more vulnerable to hunters and harassment, and higher road densities caused a reduction in the length and quality of the hunting season, loss of habitat, overharvest, and population decline.
- Sundstrom and Norberg (1972) found that activities associated with roads in Montana can reduce the quality and quantity of elk hunting opportunities available in an area.
- Thiessen (1976) found that elk occurred in greater densities in roadless area compared to roaded areas. Hunter success was higher in roadless areas compared to roaded areas in Unit 39 in west central Idaho.
- Wray (1990) found that logging roads made nearby elk herds more vulnerable to human interference year-round, not just during hunting season.

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III. Ecological

The DEIS lists five ecological benefits provided by prohibiting additional road construction in inventoried roadless areas. These are:

1. **Protection of overall watershed health.** Page 3-47 states that IRAs support a diversity of aquatic habitats and communities. Without the disturbances caused by roads and associated activities, stream channel characteristics, such as channel and floodplain configuration, substrate embeddedness, riparian condition, amount and distribution of woody debris, stream flow, and temperature regime, are less likely to be altered (Furniss et al. 1991). Illegal introduction and excessive harvest of fish species are also less likely to occur in these areas due to lack of easy access. Page 3-23 states that the timing of water runoff can change as roads and related drainage structures intercept, collect, and divert water. These factors can accelerate water delivery to the stream; therefore, more water becomes storm runoff, increasing the potential for runoff peaks to occur earlier, be of greater magnitude, and recede quicker than in unroaded watersheds (Wemple et al. 1996). Page 3-36 discusses the relationship between roads and mass wasting (landslides), and the adverse effects on aquatic habitats. While mass wasting is a natural process in some regions, extensive research in the West has closely linked land management practices, primarily roading and timber harvest, with accelerated incidence of mass wasting by several orders of magnitude (Swanson 1974, Anderson et al. 1976, Swanson and Swanson 1976, Sidle et al. 1985, Swanson 1991). All of these watershed effects can have direct impacts on salmonid fish species and their habitats (Furniss et al. 1991).
2. **Maintenance of water and soil quality.** Page 3-22 states that roads have long been recognized as the primary human-caused source of soil and water disturbances in forested environments (Patri 1976, Egan et al. 1996). Page 3-22 also states that generation of sediment within timber harvest units is most strongly related to roading and associated facilities needed to remove the trees, rather than to the act of cutting the trees (Anderson et al. 1976). The New Mexico Water Quality Control Commission states "Almost 1,204 miles of New Mexico's waters have been assessed and determined to fully support all designated uses. The majority of these waters are in wilderness areas or in watersheds protected from anthropogenic impacts" (NMWQCC 2000). Degraded water and soil quality from roading adversely affect salmonid fish species and their habitats (Furniss et al. 1991).
3. **Conservation of habitat important to wildlife by reducing the potential for fragmentation, degradation and human disturbance.** Reed et al. (1996) found that roads added to forest fragmentation more than clearcuts by dissecting large patches into smaller pieces and by converting forest interior habitat into edge habitat. Edge habitat created by roads was 1.54-1.98 times the edge habitat created by clearcuts. Page 3-56 of the DEIS states that the total landscape area affected by clearcuts and roads was 2.5-3.5 times the actual area occupied by these disturbances. Over the past 50 years, landscapes have been appreciably impacted from fragmentation caused by road construction and clearcutting (Harris 1984, Saunders et al. 1991, Noss and Csuti 1994, Forman and Alexander 1998). Loss of large trees, snags, and logs in areas adjacent to roads through commercial harvest or firewood cutting has had adverse effects on snag and cavity dependent birds and mammals (Hann et al. 1997). Roads facilitate poaching of many large animals such as caribou, pronghorn, mountain goat, bighorn sheep, wolf and grizzly bear (Cole et al. 1997, Dood et al. 1985, Knight et al. 1988, McLellan and Shackleton 1988, Mech 1970, Stelfox 1971, Yoakum 1978).
4. **Protection of stream and lake habitat for fish and other aquatic species, conserving habitat for numerous threatened, endangered and sensitive plant and animal species.** Page 3-78 states that waters within IRAs have been shown to function as biological strongholds and refuges for many species of fish. Some of these headwaters may now play a relatively greater role in supporting viable populations of aquatic species, due to cumulative degradation and loss of downstream aquatic habitats. Lee et al. (1997) demonstrated a

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negative correlation between increasing road densities and viable native bull, redband, and Yellowstone and westslope cutthroat trout populations in the Columbia River Basin. Page 1-1 states that additional information from studies in the Columbia River Basin, an area that encompasses 144 million acres, 7 states and 35 National Forests, found that over 70% of 91 wildlife species analyzed were negatively affected by roads (Wisdom et al 2000). Findlay and Bourdages (2000) found that evidence is accumulating that road construction may result in significant loss of biological diversity at both local and regional scales due to 1) restricted movement of species between local populations; 2) increased mortality; 3) habitat fragmentation and edge effects; 4) invasion by exotic species; and 5) increased human access to wildlife habitats, all of which are expected to increase local extinction rates or decrease local recolonization rates. Table 3-17 on page 3-93 states that in the Forest Service's Southwestern Region 3, 57% of Threatened, Endangered and Proposed species under the federal Endangered Species Act, and 54% of Forest Service Sensitive species are dependent on habitat within or affected by IRAs. We have attached the table "Wildlife of Concern on USFS lands in New Mexico" (BISON-M 2000), which lists over 150 New Mexico taxa that are state or federally listed as Threatened, Endangered, Proposed or Sensitive. These species may be impacted by additional roading in National Forests in New Mexico due to increased human disturbance and/or habitat alteration.

5. **Maintaining area resilience to invasion by non-native species.** Page 3-88 states that roads serve as a means of dispersal for many non-native invasive plant species, with seed or plant parts inadvertently transported into previously unaffected areas. Ground disturbance associated with roads and other road-related activities provides additional opportunities for establishment of invasive non-native plant species (Parendes and Jones 2000). Page 3-88 also states that with regard to implementing the No Action Alternative, continued roading poses the greatest risk for increased spread of non-native invasive species due to the disturbance associated with roads. Continued roading would allow a corresponding increase in the adverse ecological effects associated with establishment of invasive species, such as habitat alteration, replacement of native species, and alteration of ecosystem processes.

DEPARTMENT ANALYSIS OF ROAD EFFECTS TO WILDLIFE AND HABITATS

We conducted our own literature review based in part on these ecological factors to further analyze the effects of roads on wildlife and wildlife habitats. We attempted to limit our search to reports that would be directly applicable to an expanded National Forest road network by 1) selecting only papers that explicitly identified a direct causal relationship between roads or increased road densities and adverse impacts on wildlife and habitats; and 2) generally excluding research that primarily studied the effects of paved highways on wildlife. We did not include a significant number of papers that identified the impacts logging on wildlife and habitats if roads were not specifically mentioned, even though the association between roads and logging is clear. Below we provide supporting citations from our literature search documenting the negative impacts of roads on wildlife and habitats:

- 1) Landscape scale adverse impacts of roads to fishes and other aquatic species' population viability and aquatic habitats from 1) declining watershed health and function from increased erosion, sedimentation and altered chemical composition that degrade water quality; 2) bridge and culvert alteration of stream channels, floodplains and wetlands morphology and function; and 3) altered runoff quantities, timing and patterns: [8, 9, 11, 17, 27, 28, 29, 35, 36, 40, 45, 46, 50, 55, 56, 58, 62, 79, 80, 83, 84, 87, 88, 89, 91, 102, 103, 108, 110, 115, 118, 126, 133, 134, 142, 143, 153, 154].
- 2) Adverse impacts of roads on aquatic and terrestrial habitats from fragmentation or disruption of dispersal and migration corridors: [31, 23, 33, 35, 37, 39, 48, 54, 57, 61, 103, 106, 107, 109, 134, 139, 145, 150, 152].

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- 3) Adverse impacts of roads to terrestrial wildlife species from mortality (from roadkill, road construction, increased illegal take, etc.): [3, 4, 16, 19, 23, 24, 25, 31, 33, 35, 51, 60, 61, 68, 71, 74, 76, 77, 78, 86, 94, 117, 121, 129, 130, 134, 148, 149, 151, 156].
 - 4) Adverse impacts of roads to terrestrial wildlife species by altering reproductive behavior or affecting reproductive success (other categories of effects in this review can also affect reproductive success): [2, 32, 33, 61, 92, 96, 134, 149, 158].
 - 5) Adverse impacts of roads to terrestrial wildlife species by 1) reducing or eliminating habitat effectiveness from road presence and associated human disturbance; or 2) significantly altering habitat use by avoidance of areas previously used (beyond a temporary habituation response): [4, 5, 7, 12, 13, 14, 15, 18, 19, 22, 26, 29, 33, 42, 49, 53, 59, 63, 64, 65, 66, 67, 68, 70, 72, 81, 85, 94, 98, 99, 100, 105, 109, 111, 112, 113, 114, 120, 122, 127, 131, 132, 134, 137, 138, 147, 149, 156, 157].
 - 6) Adverse impacts of roads on terrestrial and aquatic wildlife and habitats by acting as dispersal mechanisms for non-native and invasive species. Nonindigenous species are thought to be the second major cause (habitat loss being the first) for the listing of all threatened and endangered species in the United States (Belsky and Gelbard 2000): [33, 34, 38, 41, 47, 73, 75, 82, 95, 134, 135, 140, 141, 144, 155]. The preponderance of literature demonstrates adverse impacts of increased road densities on game, nongame, and terrestrial and aquatic habitats.

In closing, the Department recognizes the importance of roads for implementing management activities and providing reasonable access for hunters, anglers and other Forest users. A growing body of scientific literature however, identifies the potential adverse impacts of roads on fish, wildlife and aquatic and terrestrial habitats, and clearly identifies the need for large contiguous tracts of unfragmented habitats to maintain wildlife population viability. We strongly recommend, however, that should any of the action alternatives be implemented, the USFS continue to emphasize ecosystem restoration thinning projects that restore natural stand conditions to reduce the potential for catastrophic wildfires, and allow adaptive management flexibility in the case of emergency environmental conditions. New Mexico is currently experiencing the worst fire season in its history. Dense timber stands with high accumulations of ladder fuels have created an increased frequency of unnatural stand-replacing wildfires that are detrimental to human and wildlife populations, and aquatic and terrestrial habitats.

We appreciate the opportunity to comment on this DEIS. Should you have any questions, contact Mark Watson, Habitat Specialist, of my staff at (505) 827-1210, or [m.watson@state.nm.us].

Sincerely



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GAME & FISH CSD

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USDA Forest Service-CAET

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July 14, 2000

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GAME & FISH CSD

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USDA Forest Service-CAET

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July 14, 2000

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USDA Forest Service-CAET

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July 14, 2000

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SHERIFF - P. O. BOX 467
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LILLIE LANEY
PROBATE JUDGE

STATE OF NEW MEXICO

CATRON COUNTY

RESERVE, NEW MEXICO 87830



June 26, 2000

JOHN HAND
COMMISSIONER DISTRICT NO. 1

CARL S. LIVINGSTON
COMMISSIONER DISTRICT NO. 2

AUGGIE O. SHELLHORN
COMMISSIONER DISTRICT NO. 3

COMMISSION OFFICE
P. O. BOX 507 - (505) 533-6423
FAX (505) 533-6433

Hearing Officer
Gila National Forest
Silver City, NM

RE: Roadless Policy EIS

Dear Sir:

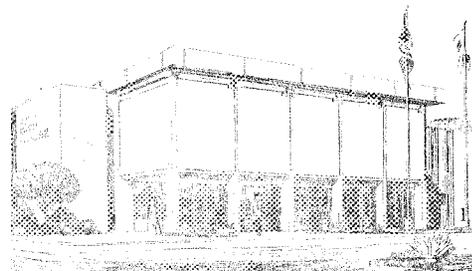
Thank you for the opportunity to provide comment on the roadless policy EIS. The following list the issues and concerns that are expressed by the Catron County Commission representing the 2,564 residents of Catron County.

Issue #1. The USFS does not have jurisdiction on all roads in the national forest system.

Concern:

RS 2477 is a statute adopted in 1866 to facilitate the settlement of the West by encouraging the development of a system of roads and trails. The name "RS 2477" is an abbreviation of "Revised Statute 2477." That name, in turn, comes from the placement of the original law in a reorganized version of the U.S. Code.

RS 2477 is a very short law, consisting of only one sentence. It states, in its entirety, that "the right of way for the construction of highways across public lands not otherwise reserved for public purposes is hereby granted." That right-of-way is a legitimate property right, and, consequently, carries with it a bundle of associated rights, including the right to maintain the roads and upgrade them under certain circumstances.



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Once the grant was made, the federal government's interest in the land actually containing the right of way became that of the servient estate. That means that its rights as owner of the underlying land are still protected against undue or unnecessary damage, but it cannot interfere with the owner of the right-of-way exercising its bundle of rights.

These property rights are held on behalf of the public, usually by the counties. In accepting the property right-of-way, the local governmental unit also accepted a legal obligation (and the consequent legal liability) to maintain those rights-of-way to ensure safe passage by the public.

RS 2477 was a self-executing law, meaning that when the requirements of the law were met, the property right was automatically conveyed from the federal government to the county. Indeed, there was never even a requirement that the county inform the federal government when it accepted the grant of a particular right-of-way. The specific actions which local governments took in accepting the grant vary from state to state and have been determined by each state's law.

In New Mexico, the Territorial Legislature did this in 1905 by enacting Section 67-2-1 NMSA, 1978 Compilation. At that time the legislature knew the federal government was going to reserve the public lands in 1906 and thereby create federal lands, closing them to homesteading and assuming control over the roads. As a consequence of the 1905 territorial act the USFS cannot close New Mexico roads that predate the 1906 reservation of public lands to the federal government. Other State laws can also determine characteristics such as the width of the right of way.

RS 2477 was repealed in 1976 by a law establishing a more comprehensive resource management framework for the Bureau of Land Management, the Federal Land Management and Policy Act, commonly referred to as "FLPMA." However, FLPMA specifically and clearly stated that all existing 2477 rights of way were not affected by the repeal of RS 2477 and remained valid. It contained in its Title V a new mechanism for granting rights-of-way from 1976 to the present.

So, while no new grants were made after 1976, all of those made prior to that time were still valid property rights of the counties.

The federal land management agency cannot determine whether the claim is valid or not except for its administrative purposes. Under our Constitution, only the courts can do that. Much of the recent controversy surrounding the 2477 issue has been sparked by draft regulations issued by the U.S. Department of Interior which local governments and others claim try to exceed the authority of the Executive Branch under the Constitution as well as suffering from a number of other serious shortcomings as well.

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If, based on the documentation the county provides, a federal agency recognizes the validity of a 2477 right of way claim, then it is bound by the right of the local governmental unit to exercise its bundle of rights. If it does not recognize the validity, then the right-of-way holder can still exercise its right. Where a dispute cannot be resolved, the issue goes to federal court for a decision.

Counties can abandon 2477 rights-of-way, but usually must go through formal procedures specified in state law to do so. The lack of maintenance of the road over a right-of-way has no bearing on the continuing validity of the right-of-way. One of the bundle of rights of the local governmental unit is to maintain a safe right-of-way and even to upgrade it within limits.

Issue #2 Determination of Easement by Necessity.

Concern:

The federal courts have recognized that the easement by necessity doctrine, whereby a grantor cannot landlock his grantee, applies to the federal government. In other words, no seller, including Uncle Sam, can deny a right-of-way to his purchaser. *Leo Sheep Co. v. US*, 440 US 668, 679 (1979) and *4 Powell on Real Property*, § 34.07 (rev.ed., 1997)

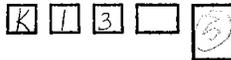
In fact, 36 CFR § 251.114 (f)(1) requires a federal officer issuing a special use permit to ensure that the inholder "has demonstrated a lack of any existing right of access available by deed or under State or federal law", which is, of course, an official recognition of the doctrine.

In *US v. Jenks*, No. 96-2106, the Tenth Circuit Court of Appeals acknowledged that pre-existing rights to access defeat the requirement for special use permits for road easements and that even without pre-existing rights of access, an inholder has statutory right to an easement from the government, with reasonable terms and conditions, under 16 USC § 3210(a).

However, if an inholder can demonstrate that his right-of-way is a public road under Section 67-2-1, NMSA, 1978 Comp., (which, as you know, is New Mexico's RS 2477 acceptance) then a special use permit is not required or even allowed to be issued, under the above quoted statute's State law exemption.

Each inholder must decide himself whether it is cheaper and easier to submit and pay for a special use permit or to resist and prove to the government agents that he has no legal requirement of one.

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Issue #3: Administration of the forest.

Concern:

Catron County has great concern about the USFS to manage the forest with the current road system. Limiting the number of roads for the management of the forest will only reduce management capabilities and cause a further decline in forest health.

Issue #4 Administration of forest permits.

Concern:

Catron County is concerned that the current holders of permits will not be allowed to meet the conditions of the granted permit. In this case then the permittee will lose that permit and it will resort back to the Forest Service. This direction was attempted in the Gila National Forest in the Glenwood Ranger District. The district attempted to close a number of roads under an old Environmental Assessment done 10 years ago. After review of the roads by the Catron County Commission a number were found to lead to stock pens, livestock and wildlife waters, recreational areas and other high use areas in the forest. After this was pointed out the Glenwood district took back the proposal.

Please enter these issues and concerns into the record on behalf of Catron County, NM.

Submitted,

Adam Polley
Catron County Manager



"Adam Polley"
<polleya@gilanet.com>

>
07/16/00 03:54 PM

To: <roadlessdeis@fs.fed.us>
cc:
Subject: roadless 00

Catron County Commission

P.O. Box 507

Reserve, New Mexico 87830

505 533 6423

USDA Forest Service-CAET

Attn: Roadless

PO Box 221090

Salt Lake City, UT 84122

roadlessdeis@fs.fed.us

July 14, 2000

Dear Sir:

Reference Federal Register dated May 10, 2000 pertaining to Special Areas; Roadless Area Conservation and the document identified as a Draft Environment Impact Statement (EIS) dated May 2000.

43995

We request that this action be halted and Environmental Impact Statements be prepared for each national forest. The objective and issues are to complex to adequately include everything that should be included in one document.

We are opposed to any action that does not meet the full requirements of NEPA.

The Congressional Act and Regulations which establish the requirements for an Environment Impact Statement are the National Environmental Policy Act of 1969 (NEPA) as amended and the Council on Environmental Quality Regulations (CEQ Reg) for Implementing the Procedural Provisions of the National Environmental Policy Act. These two documents are not identified as the documents governing the process for the proposed action. NEPA is mentioned in parts of the documents but not defined or listed as a reference.

The proposal does not meet the purposes of the National Environmental Policy Act (NEPA) as defined in the Act.

- 1) To declare a national policy which will encourage productive and enjoyable harmony between man and his environment.
- 2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and simulate the health and welfare of man.

CEQ Reg Paragraph 1502.23 Cost-Benefit analysis requires that "If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aide in evaluating the environmental consequences." No economic or cost-benefit analysis is included in the draft EIS. The proposed action will have a huge economic impact.

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If action is not halted as requested above, we request at least a 120-180 day extension to the comment period. We have not had enough time to review the complex document and prepare comments. This is not near sufficient time to adequately complete this task.

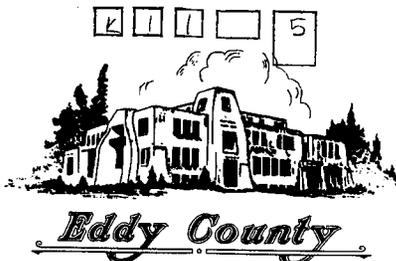
Sincerely,

/s/ Adam Polley

Catron County Manager

**Eddy County
Board of Commissioners**

Glenn Collier, Chairman
Julius Doubrava
Laurie Kincaid
Lucky Briggs
Ray Camp



10675
Eddy County Manager
Steve Massey

101 W. Greene St., Suite 225
Carlsbad, New Mexico 88220
Phone (505) 887-9511
Fax (505) 887-1039

June 20, 2000

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

To Whom It May Concern:

First, the road management and transportation system policy cannot be implemented under current forest planning regulations. It is premature to promulgate new direction and policy that are dependent on changes that are not definite and that cannot be implemented pursuant to current forest planning regulations.

We believe the proposed forest planning regulations must be final before the road management and transportation system policy can be considered for public comment and proceed through rulemaking. The relationship of the proposed road management is clearly one of absolute dependence and violation of current forest service regulations.

We believe these proposed policies and regulations create conflict on roadless area regulations and will expose the agency to certain legal challenge.

The roadless proposal along with all of your key actions changes congressional mandates of the forest service from multiple use and sustainable yields to something you have never defined, ecological sustainability. Your goal states of ecological sustainability of pre-European settlement conditions. The agency has not defined what it is and will be impossible to achieve. This will create non-management of millions of acres of forest lands which puts industries of recreation, timber, forage, oil, gas and mineral access in total jeopardy.

The draft proposal on roadless areas and other proposals such as the unified federal policy for watersheds violate the Organic Act and the Multiple Use Sustained Yield Act. The proposals assume that various statutes require that ecological sustainability be the dominant consideration for all national forests, sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological

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sustainability. To be supportable, these assumptions would require significant legal, scientific, and economic data. The Forest Service has submitted no full blown data on economics or true science.

Inventoried roadless areas comprise over 54 million acres or 28 percent of national forest system, but what you do not mention are the millions of acres of land shut down because of the spotted owl or other endangered species, which conflicts with the data in the roadless proposal, on social and economic indicators for industry, individuals, and state and local government. For state and local government tax base this data should be entered for the true economic losses, which would in turn change your economic numbers dramatically.

The pseudo-science of ecological sustainability and roadless areas should be omitted and state forestry and universities should be included in peer review science in the state where effected not a one size fits all policy from Washington D.C.

The last paragraph on local involvement on page 3-209 states that it will have no effect on the local process itself, the next sentence states you would narrow the scope of what is to be decided on locally, which is it?
Current regulations guarantee state and local governments a number of provisions to ensure they are notified and participate in Forest Service planning limiting the collaborative process for land use planning to ecological topics violates the Organic Act, MUSYA, NEPA and NFMA.

We appreciate the opportunity to comment on this proposed draft.

Sincerely,

EDDY COUNTY BOARD OF COMMISSIONERS

Laurie Kincaid
Commissioner District 3

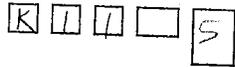


CARL W. SCHOLL
THIRD DISTRICT

Office Of The Grant County Commissioners
P. O. Box 898
Silver City, New Mexico 88062

BY FAX: (202) 205-1765

July 6, 2000



USDA Forest Service - CAET
ATTN: Chief Mike Dombeck
P.O. Box 96090
Washington D.C. 20250-6090

Re: Roadless Areas NOI

Dear Chief Dombeck:

Last year the Executive Branch of government proposed to promulgate a two-part rule to protect roadless areas. As stated in my letter to you dated December 22, 1999, the proposed rule is fatally flawed as it applies to the State of New Mexico. The proposal should be withdrawn or the State of New Mexico should be excluded. Specifically, the proposal conflicts with Public Law 96-550 enacted by the 96th Congress on December 19, 1980. It invalidates the existing Gila National Forest Land Management Plan as well as other forest land management plans in the State of New Mexico and the legislation which required these plans (i.e. - Forest and Rangeland Renewable Resource Planning Act of 1974 as amended by the National Forest Management Act of 1976).

Public Law 96-550 specifically states in Section 104(c): "Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico...". Public Law 96-550 also states in Section 104(b)(3) that "...areas in the State of New Mexico reviewed in such Final Environmental Statement and not designated as wilderness, or wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans." Section 101(2): "...insure that certain other National Forest System lands in New Mexico be promptly available for non-wilderness uses including but not limited to, campground and other recreational site development, timber harvesting, intensive range management, mineral development, and watershed and

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vegetation manipulation." As of the date of this letter, the initial Gila National Forest Land Management Plan has not been revised and I would submit that other initial forest plans in the State of New Mexico have not been revised as well. The Congressional record relating to the passage of Public Law 96-550 is clear as to the intent of Congress to designate specific areas to wilderness, study specific areas for their suitability as wilderness and to return all the roadless areas not involved in the two preceding categories for non-wilderness uses and put off further consideration for roadless area management plans. Your roadless area proposal as it relates to the State of New Mexico is fatally flawed and an insult to the Congress of the United States and should be immediately withdrawn.

In order to protect the National Forest values discussed in your proposal, action should be taken on the wilderness study areas that were specified in Public Law 96-550 and the recommendations contained in the first phase forest land management plans pertaining to wilderness study areas.

Aside from the conflicts with Public Law 96-550, the proposed rule violates numerous provisions of existing domestic law, including but not limited to, the Multiple Use and Sustained Yield Act of 1960, Public Law 86-517, 74 Stat. 215; the Wilderness Act of 1964, Public Law 88-577, 79 Stat. 890; the National Environmental Policy Act of 1969, 83 Stat. 852; and the Federal Land Policy and Management Act of 1976, Public Law 94-579, 90 Stat. 2743.

The generalized prescription and withdrawal of 54 million acres, more or less, could adversely impact the environment by causing further impairments to proper conservation management, and would cause significant economic, social, political, and cultural impacts which are not addressed and, for all intents and purposes, cannot be addressed in such a broad and sweeping fashion as suggested in the proposal.

Sincerely,

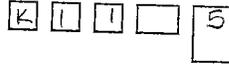
Carl W. Scholl
Carl W. Scholl, Chairman
Grant County Commission

MTS/hkl

cc: Grant County Commissioners
Senator Ben D. Altamirano
Senator Jeff Bingaman
Senator Pate V. Domenici
Governor Gary Johnson
U.S. Representative Joseph R. Skeen
U.S. Forest Service

2

State of New Mexico
HIDALGO COUNTY
300 S. SHAKESPEARE
Lordsburg, New Mexico 88045



CAET RECEIVED

JUL 17 2000

July 11, 2000

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

Dear Sirs:

Please consider these our official comments regarding Roadless Area Conservation Proposed Rule. Alternative 1 is the only proposal that appears reasonable. We oppose the other alternatives for the following reasons:

The Roadless Conservation Plan contains four alternatives that allocate lands without respect or compliance with existing Forest Plans, on-going Forest Plan Revisions or the administrative and legal process of Forest Planning, NEPA or the Regulatory Flexibility Act.

Due to the substance and the number of comments received, the Forest Service should allow time for public comment when the new Planning Regulations are published.

The Forest Service should not finalize any other policy proposals until the new Planning Regulations are final.

Forest Health is identified as a Potential Cost of implementation of the Roadless Plan. Fuel loading and fire risk, as well as Forest Health, are not adequately analyzed in the DEIS.

The cost of implementation of the Roadless Plan is grossly understated and ignores examples of disastrous non-management and inaccessibility for fire prevention and protection, as we experienced in the recent fires in New Mexico.

The Forest Service has refused every reasonable request from Senators, Representatives, Governors, & County Commissioners seeking Cooperating Agency Status to participate and assess impacts of the Roadless Plan. We believe this has occurred because the Forest Service

The Southwest Gateway To The Land Of Enchantment

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does not want the true economic impacts of the Roadless Plan to be addressed.

As the Forest Service shuts down multiple use of the National Forests under the new Roadless Rule, the economies of rural areas will be devastated by the Plan.

The Roadless Conservation Plan circumvents the administrative and legal process because the present administration has been unduly influenced by environmental groups and have made political deals to create defacto wilderness areas as proposed by Wildlands Project proponents.

Congress must, by law, vote to designate new Wilderness Areas. The Roadless Plan illegally designates Wilderness Areas in all National Forests. This violates the federal Wilderness Act and individual states' Wilderness Area designation statutes.

The Plan has been developed by a handful of extreme environmental groups, and has become a political campaign unsupported by sound science.

Last summer, and again this summer, the Sky Island Alliance, an affiliate organization of the Wildlands Project, hosted a gathering of radical environmentalists that support the Wildlands Project. Their objective was to map our county for "roadless areas", specifically, in the portion of the Coronado Forest located in Hidalgo County. This "mapping" did not include most "roads" used by the public. Only roads that were maintained on a regular basis by the county, or Forest Service were considered "roads". As a result of these mapping efforts 75 to 80% of so called "roadless areas" are in fact areas with roads. Roads that many local residents use on a fairly regular basis for a wide variety of purposes, including recreation.

These mapping sessions have been held all over the Western states by similar groups who support the Wildlands Project. Their "findings" were then turned over to the Forest Service to justify "roadless areas". This has resulted in a new set of standards for road classification. However, the "science" used in their mapping scheme does not provide a true picture of "roadless areas".

As a result, the access of millions of Americans will be limited to public lands based on this "roadless" criteria. Disabled, elderly and young Americans will have limited access to enjoy our Forests.

The Forest Service states that driving in the National Forests has increased dramatically over the last ten years. This proposal will diminish the tourism access for millions of Americans.

The local economic impact of the Roadless Plan, especially in states where the Forest Service controls millions of acres of lands, has not been analyzed adequately.

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In conclusion, it is essential and, ultimately beneficial to the public, that the Forest Service work with community-based, local governments (i.e. counties, cities and tribal governments) to identify forest roads that need to be built, improved, maintained or decommissioned. Our county stands ready to assist in this endeavor.

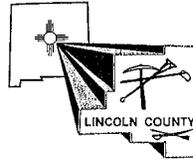
Many counties, including our own, have in place the mechanisms through which the Forest Service could work more effectively to identify essential and nonessential roads. Our Public Land Advisory Committee currently works with other federal agencies on similar issues. We would appreciate the same cooperation from the Forest Service.

Thank you for your time and consideration in this matter.

Sincerely,

 *Acting Chairman*

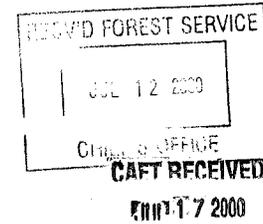
Lloyd Payne, Chairman
Hidalgo County Commission



County of Lincoln
Post Office Box 711 • Carrizozo, New Mexico 88301-0711 • (505) 648-2385

July 6, 2000

Mr. Mike Dombeck
Chief, U. S. Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090



Dear Chief Dombeck:

Thank you for this opportunity to comment on the "Roadless Initiative". First, the road management and transportation system policy cannot be implemented under current forest planning regulations. It is premature to promulgate new direction and policy that are dependent on changes that are not definite and that cannot be implemented pursuant to current forest planning regulations.

We believe the proposed forest planning regulations must be final before the road management and transportation system policy can be considered for public comment and proceed through rule making. The relationship of the proposed road management is clearly one of absolute dependence and violation of current forest service regulations.

We believe these proposed policies and regulations create conflict on roadless area regulations and will expose the agency to certain legal challenge.

The roadless proposal along with all of your key actions change congressional mandates of the Forest Service from multiple use and sustainable yields to something you have never defined - ecological sustainability. Your goal states ecological sustainability of pre-European settlement conditions which your agency has not defined and therefore is impossible to achieve. This will create non-management (which is totally unacceptable) of millions of acres of Forest lands which puts industries of recreation, timber, forage, oil, gas and mineral access in total jeopardy. Not to mention, the enormous fire hazards which will be multiplied a thousandfold for lack of maintenance.

The draft proposal on roadless areas and other proposals such as the unified federal policy for watersheds violate the Organic Act and the Multiple Use Sustained Yield Act.

ASSESSOR / 648-2306
P.O. Box 38

CLERK / 648-2394
P.O. Box 338

SHERIFF / 648-2342
P.O. Box 278

TREASURER / 648-2397
P.O. Box 709

43970

K I I I 5
STATE OF NEW MEXICO



BOARD OF SIERRA COUNTY COMMISSIONERS
100 NORTH DATE STREET, SUITE 5
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE (505) 894-6215 FAX (505) 894-9548

CAET RECEIVED
JULY 7 2000
COUNTY OF SIERRA
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July 11, 2000

The proposals assume that various statutes require that ecological sustainability be the dominant consideration for all national forests. Sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological sustainability. To be supportable, these assumptions would require significant legal, scientific, and economic data. The Forest Service has submitted no full blown data on economics or true science.

Inventoried roadless areas comprise over 54 million acres or 28 percent of the national forest systems but what you do not mention are the millions of acres of land shut down because of the Spotted Owl or other endangered species which conflicts with the data in the roadless proposal on social and economic indicators for industry, individuals and the state and local government tax base. This data should be entered for the true economic losses, which would in turn change your economic numbers dramatically.

The pseudo-science of ecological sustainability and roadless areas should be omitted, and state forestry and universities should be included in peer review science in the state where effected - not a one-size-fits-all policy from Washington, D.C.

The last paragraph on local involvement on page 3-209 states that it will have no effect on the local process itself. The next sentence states you would narrow the scope of what is to be decided on locally. Which is it???

Current regulations guarantee state and local governments a number of provisions to ensure they are notified and participate in forest service planning. Limiting the collaborative process for land use planning to ecological topics violates the Organic Act, MUSYA, NEPA AND NFMA..

Why does the U.S. Forest Service not have to comply with the Americans with Disabilities Act like all private businesses and other government agencies do. A lot of people will be shut out of a lot of Public Land if all these roads are closed.

We appreciate your perusal of our questions this proposed draft.

Yours truly,

Thomas F. Stewart
Lincoln County Manager

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

RE: Sierra County commission Comments on the U.S. Forest Service Roadless Policy Proposal

Sierra County Commission would like to take this opportunity to comment on the U.S. Forest Service Roadless Policy Proposal Environmental Impact Statement (EIS). Sierra County Commission has serious concerns regarding the Forest Service proposed Roadless Initiative. The national forest in Sierra County already has substantial roadless and wilderness areas. In addition, Sierra County RS 2477 Roads could be in jeopardy unless there is proper Forest Service consultation with the County Commission.

1. Roadless Initiative Results: Over 80% of the National Forest in Sierra County Withdrawn from Multiple Use: The Roadless Area Initiative has been touted as being insignificant on the Gila National Forest in terms of total acres to be withdrawn from multiple use. In fact the Forest Service proposed Roadless designations in Sierra County are significant for several reasons. The national forest roadless/wilderness areas in Sierra County already consume approximately half of the forest in the County. The Roadless Area initiative could withdraw another thirty percent. The net consequences could result in less than 20% of the national forest remaining accessible to multiple use. Sierra County and southern New Mexico is a fast growing region of the southwest. People who live and move into this region utilize the multiple uses of the national forests - the very forests that are proposed to be withdrawn.

2. The Future of Sierra County RS 2477 Roads? A major concern of Sierra County Commission is the RS 2477 Roads that lace the Gila National Forest in Sierra County, including the proposed Roadless areas. The Sierra County RS 2477 Roads are property of the County and its citizens. Yet the County Commission is concerned that the Roadless Initiative would usurp County jurisdiction with the federal government illegally "taking property" that belongs to the County. Sierra County Commission has notified the national forest of its RS 2477 properties on the forest. Yet no proper inventory of the RS 2477 Roads has been done. The County has also requested to be a partner in joint environmental analyses of any forest Service initiatives that could impact Sierra County. The County was not properly notified for early consultation

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What happened to the Community Based Partnership and the Southwest Strategy of early consultation and coordination? When the Forest Service withdraws national forest lands from multiple use, the result is a reduction in the multiple benefits and multiple values and interests to the American public.

The federal administration's Roadless Area Initiative would preclude any future road planning in areas that have not been previously roaded or managed for timber. The impacts would vary greatly, depending on the part of the county involved. The proposed Roadless additions are expansive, and more than doubling the amount of area that will no longer be available for multiple use. Such a significant change in policy for our land use deserves more careful consideration because it will greatly impact the citizens living on or near the national forest.

3. Roadless Initiative – Centralized Planning and Questionable Decision-Making

The County is skeptical of Washington, centralized planning with the attitude they know what is best for our local forests. The County Commission is concerned that the Roadless Area Initiative has not followed the NEPA process through their "fast track" approach, precluding meaningful public involvement and due process. Moreover, the Forest Service did not consider Sierra County Commission's request to jointly conduct the environmental impact statement, nor did they consider Sierra County's Environmental Planning Ordinance and CEQ Regulations, requiring early consultation and coordination.

Furthermore, the Roadless Initiative is not following the regulations of the National Forest Management Act (NFMA) or the Wilderness Act. Many of the national forests are in the process of revising their forest plans. This latest initiative has thwarted the national forest planning process. The Forest Service should wait till the Gila National Forest planning process to consider such a substantial withdrawal of multiple use lands.

It appears that the Roadless Area Initiative is attempting to usurp the authority of the NFMA planning process. NFMA planning is based on the premise that decision-making for local areas should be made with site-specific, scientific information for that particular area. But the Roadless Area Initiative is a "one plan fits all" prescription and lumps 54 million acres nationally together that are obviously quite different, both in physical aspects and in social/cultural dimensions.

This initiative has bypassed scientific analysis. It is ironic the Committee of Scientists just finished making their Roadless Initiative recommendations, and new planning regulations are out for public comment. Suddenly, the Roadless Area Initiative comes from Washington, negating the hard work that has gone into the forest planning process.

4. Impact on Multiple Use

The existing Gila National Forest roads provide a vital service to our citizens and visitors who travel through the national forest by vehicle. The number one recreation activity on

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the Gila National Forest is driving through the forest on dirt roads. It provides the most important recreation activity, driving through the national forest. Families, sportsmen, and a growing retirement and elderly population can only fully enjoy the national forest through vehicle access. (Refer The Forest Service report: *Gila National Forest Recreation Market Study*, by Dr. Alexander J. Thal, Western New Mexico University.

Timber harvests (fuelwood gathering and timber operations) have been a vital part of Sierra County's customs and cultures and economy. The impact of the Roadless Area Initiative has yet to be determined, but its impact on future fuelwood gathering and any timber production could be significant, because it could lock up another 30% of the forest, resulting in less than 20% of the remaining non-wilderness areas left for future timber production in Sierra County. Many of the roads used by woodcutters in the national forest could be excluded from vehicle use.

5. Impact on Forest Health

It is well-established scientific knowledge that the national forests in the southwest are ripe for disease, insect infestation and catastrophic fires. The Forest Service must accelerate their forest management to address these priority forest health problems. This requires intensive management with both natural/set fires and mechanical treatment, especially thinning to significantly reduce disease, insect infestation and over dense tree stands and adequate fire breaks.

The Gila National Forest in Sierra County is also highly susceptible to catastrophic wildfire on the scale of the Los Alamos disaster and the Scott Able fires. Again, the attention and primary responsibility of the Forest Service is to protect watersheds, provide multiple use, fire protection, and *forest management*, rather than spending precious time and financial and natural resources on developing backdoor "national parks", or, "wilderness" set-asides.

These forest health management treatments are critical in order to protect human lives and property and to protect our natural resources, including our watersheds, water quality, wildlife, endangered and threatened species. The Forest Service management infrastructure to accomplish these priorities not only requires financial commitment, studies and administrative processes, but also available road networks that provide access for treatment.

6. Damage to Forest Service Public Relations

The Roadless Area Initiative is very controversial, both inside and outside the Forest Service. It has magnified the conflict between the urban environmental community and other national forest users. The battle lines are drawn. On one side is the federal administration and every environmental organization; on the other, every rural state and its governor, every county board, hunters, ORVers, libertarians, and logging and mining associations.

The Roadless Area issue is steeped in controversy. Why did this come about? The

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decisions that lead to this initiative were not open and transparent. Only one group of forest users was consulted, and the other side was clearly and intentionally locked out of the process. No effort was made by the federal administration to gather consensus or agreement. No effort has been made to consult local Forest Service decision-makers. The local Forest Service staff is caught in the middle. Forest Service employees live in rural communities affected by the Roadless Area Initiative. Because of the way this initiative was handled by the federal administration, the level of distrust toward the Forest Service and its employees has reached an unprecedented level. A little bit of consideration by the Administration for Forest Service-community relations could have gone a long way toward diffusing the heated situation. As it now stands, the damage that has been done to Forest Service public relations and community support may take years to repair and rebuild.

Sierra County Recommendation

Sierra County Commission is asking that a moratorium be placed on the Roadless Initiative. Furthermore, the Commission is requesting that Forest Service involve Sierra County Commission in early consultation in the Gila Forest Planning process, as well as other Forest Service proposals that may significantly impact Sierra County.

Respectfully submitted,
Ralph Gooding
Ralph Gooding, Chairman
Sierra County Commission



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

June 19, 2000

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

5661
CAET RECEIVED

JUN 21 2000

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Dear USFS:

I write in support of the proposed rule to protect our remaining large roadless areas.

Roadbuilding in National Forests has been a very bad deal for taxpayers. The Forest Service presently has in the neighborhood of 400,000 miles of inventoried roads. Many of those roads are barely used, if at all. The USFS also has an \$8.5 billion maintenance backlog. We cannot take care of the roads we already have. The taxpayers should not be called upon to fund any more roadbuilding in our National Forests.

Albuquerque and central New Mexico face difficult problems of water scarcity. We are going to have draw upon surface water from the Rio Grande. Many of the critical watersheds for the Rio Grande are National Forest roadless areas. Roadbuilding detracts from watershed health. It contributes sedimentation to stream flows, particularly during construction. Unmaintained Forest Service roads contribute heavily to erosion problems. And, roadbuilding may detract from the reservoir capacity of our forests, thus harming the capacity of the land to store and release water on a regular basis.

We should not play games with our watersheds. The conservative approach is to err on the side of caution. Anything that does not contribute to our watershed capabilities particularly the building of more Forest Service roads must be avoided.

The USFS proposal presently only protects areas of 5,000 acres or more. Roadless areas of 1,000 acres equally important to our watershed must also be protected.

Respectfully,
Hess Yntema
Hess Yntema
Albuquerque City Councilor
District 6

CAET RECEIVED

JUN 21 2000

==== THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER ====



North Carolina
Department of Administration

James B. Hunt, Jr., Governor

July 13, 2000

Katie G. Dorsett, Secretary

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

S I I I 5

FACT RECEIVED
JUL 17 2000

Dear Mr. Dombeck:

Re: SCH File # 00-E-0000-0625; Draft Environmental Impact Statement - Roadless Area Conservation Proposed Rule

The above referenced project has been reviewed through the State Clearinghouse Intergovernmental Review Process. No comments were made by any state or local agency in the course of this review. Should this office receive any late comments on this proposal we will forward them under separate cover.

Should you have any questions, please do not hesitate to call me at (919) 807-2425.

Sincerely,

Chrys Baggett

Ms. Chrys Baggett
Environmental Policy Act Coordinator

cc: Region A
Region H
Region P
Region C
Region B

116 West Jones Street Raleigh, North Carolina 27603-8003 Telephone 919-807-2425
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Recd PSCC
JUL 5 2000



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

NFS 51042
RECEIVED FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

Roadless

REPRESENTATIVE VERLA C. INSKO
24TH DISTRICT - CHATHAM AND ORANGE
OFFICE ADDRESS: 1323 LEGISLATIVE BUILDING
RALEIGH, NC 27601-1095
TELEPHONE: (919) 733-5775
(919) 733-2599 FAX
E-MAIL: VERLAI@MS.NCGA.STATE.NC.US
HOME ADDRESS: 610 SURRY ROAD
CHAPEL HILL, NC 27514

V I I I 5

June 23, 2000

COMMITTEES:
AGING - CHAIR
EDUCATION/UNIVERSITIES SUBCOMMITTEE - CHAIR
HEALTH - VICE-CHAIR
STATE PERSONNEL - VICE-CHAIR
APPROPRIATIONS/EDUCATION SUBCOMMITTEE
ELECTION LAW & CAMPAIGN FINANCE REFORM
JUDICIARY I
MENTAL HEALTH

Michael Dombeck, Chief
U. S. Forest Service
PO Box 96090
Washington, DC 20090

FACT RECEIVED
JUL 14 2000
RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

Dear Mr. Dombeck,

The preservation of our natural resources is of utmost importance to me and to the citizens who elected me. Recent floods in eastern North Carolina have made us all aware of the importance of woodlands in the overall protection of our rivers and streams. As a publicly elected official I well understand the critical importance of intact and undamaged pristine wild areas.

Our citizens are concerned about continued road building, logging, mining and other destructive practices in our last remaining forest wilderness. North Carolina is fortunate to have some of the nation's most impressive national forests including the Uwharrie, the Croatan, the Pisgah and the Nantahala. These roadless areas provide unique habitats for animals and plants as well as areas for recreation and cultural value. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. Roadless areas also protect private property from landslides and flood damage.

The economic value of scenic wilderness areas is of utmost importance. The projected 2000 economic impact of recreation in the national forest system is \$110 billion, in contrast to \$3.5 billion from logging. Protecting these areas will lead to greater public wealth than using them for extractive purposes.

Received in FS/CCU
Initial: KA
Control No: 41566678

51042

E I I I E

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Page 2

I urge you to adopt a roadless area protection policy which protects all roadless areas 1000 acres and larger in all national forests. A strong forest protection policy is in the public's best interest.

Sincerely,

Verla Insko

Representative Verla Insko
House District 24

VI/jbb

cc. U. S. Senator Jesse Helms
U. S. Senator John Edwards

Raleigh 27601-1096

REPRESENTATIVE GEORGE W. MILLER, JR.
23RD DISTRICT
OFFICE ADDRESS: ROOM 611
LEGISLATIVE OFFICE BUILDING
RALEIGH, N. C. 27601-1096
TELEPHONE: (919) 733-5878
(919) 715-5615 FAX
HOME ADDRESS: P. O. Box 2975
DURHAM, N. C. 27715-2975
TELEPHONE: (919) 403-0000
(919) 403-0001 FAX

June 21, 2000

GAET RECEIVED
JUL 06 2000

COMMITTEES:
FINANCE
INSURANCE
JUDICIARY
TECHNOLOGY
WAYS AND MEANS

RECEIVED
JUN 20 2000
DEPUTY CHIEF NFS

Mr. Michael Dombeck
Chief
U.S. Forest Service
PO Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

It is important for roadless national forests to be protected not only for America's people, but also for the world's natural resources. I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be served if you succeed in establishing such a strong forest protection policy.

With best wishes, I am

Sincerely,

George W. Miller, Jr.

George W. Miller, Jr.

c: The Honorable Jesse Helms
The Honorable John Edwards

Received in FS/CCU
Initial: KH
Control No: 4156613



Graham County Board of County Commissioners

5390

5390

P.O. Box 575
Robbinsville, NC 28771
(828) 479-7961
Fax: (828) 479-7988

Lynn Cody
Chairman

Claudine Gibson
Member

Dale E. Wiggins
Vice-Chairman

Jan Millsaps
County Clerk

June 12, 2000

Opposition to Roadless Area Designation

yes

US Forest Service
Attention: Roadless Areas NOI
PO Box 221090
Salt Lake City, Utah 84122

CAET RECEIVED
JUN 19 2000

To whom it may concern:

Graham County is a very rural and isolated county in southwestern North Carolina. The US Forest Service along with other Federal agencies owns some 70% of the land in the county. Included in these holdings are one designated Wilderness Area, the Joyce Kilmer-Slickrock Wilderness Area and one designated study area known as the Big Snowbird Wilderness Study Area. As you know the Wilderness designation prohibits certain activities and allows for recreational use only. In addition to these areas there are several thousand acres of US Forest Service land that are protected for one reason or another.

Those of us who live in this county believe that we have the right to earn a living by some means on these large holdings of Federal property. We believe in the Constitution of the United States and the fact that it guarantees us the right to the seek prosperity. Many of our ancestors willingly sold their property to the Forest Service no doubt thinking in some way that they were insuring that their families would be able to go into the forest and earn a living if that was what they chose to do. In other words they bought into the philosophy of the Forest Service's original concept of insuring a sustainable forest for the harvesting of timber and other forest products. We are sure that if those people were here today they would not be so willing to participate in what has become a false promise. Those of us that have seen the harvesting of forest products on US Forest Service property become almost non-existent must surely be able to identify with how the Native American population felt when they saw treaty after treaty with our government broken. They no doubt felt betrayed. So do we. We believe that these roadless designations are just the backdoor approach to establishing more wilderness areas without having to label them as such. The term "roadless" itself when applied to most of the areas in Graham County that have been targeted to receive this designation will have to be fabricated as most of the areas have existing roads. The rule of thumb being used is to term it as having roads that have not been used in "x" number of years.

We oppose the roadless designations and any other land management plans that will only further restrict our ability to have some sense of economic prosperity resulting from the harvesting of products on US Forest Service property. The propaganda that is being used to push these plans in most cases does not in any way represent the truth about the situations. Timber alone in Graham County is being grown at eight (8) times the rate of being harvested. Although those people who harvest timber often get the blame for the terrible practice of clear cutting, it was never their idea, but rather the idea of the science of the government; they thought they could do a better job of growing forests than nature.

We are pressured by large metropolitan areas to preserve the forests for them, yet they do nothing to reduce the urban sprawl that daily reduces the forested areas around their cities. By doing so they are hypocritical. Why must we continue to suffer because of the prosperity of others? Our ancestors have given much of our land to the government, willingly and unwillingly. Will it ever be enough? Our ancestors have been forced to move from their homes and surrender their land for the so-called good of the masses. What do we get in return? More poverty, less employment, less prosperity. Some radical elements of our society would have us removed to some other place and have the forests unused for any purpose. We will never do this without a struggle. We are no different than most who want clean water to drink and clean air to breathe. Yet those who label themselves environmentalists accuse us of polluting streams, the air, and the land. The truth is the air pollution we suffer from comes from other areas. We have learned to protect the water and the land, but it seems that no matter how much we improve the way we do things it is never enough. The radical environmentalists make every effort to block our pursuit of employment on federal lands and when one effort is defeated they are waiting with some other challenge.

We believe that the time has come for our government to consider our needs, our rights. We are not people without compassion for other living things. However, we do feel that the needs of people like us must be considered when our government puts itself in a position to have to choose between our survival and the well being of the land based on some unproven theory of what is necessary and what is not. We live where we do because we choose to, for the same reason the masses come to visit where we live. We have no desire to see it destroyed. We and our children and grandchildren have every right that the rest of the citizens of this country have; yet it seems ours are the most threatened. In closing we ask that you let us pursue our rights to seek employment on Federal lands knowing that we can be good stewards to the land and the forests, after all it's our livelihood and our home.

Respectfully submitted on behalf of the people of Graham County,

Mr. Lynn Cody, Chairman of the Board of Commissioners



4 1 1 5

REC'D FOREST SERVICE
JUN 27 2000
CHIEF'S OFFICE

OFFICE OF THE TOWN COUNCIL

June 22, 2000

Michael Dombeck, Chief
U. S. Forest Service
PO Box 96090
Washington, DC 20090

Dear Mr. Dombeck:

I am writing you to urge you to adopt a policy to protect roadless areas in our national forests. As Mayor of Cary, North Carolina, I understand the critical importance of intact and undamaged pristine wild areas.

I believe Cary citizens place a high premium on these wild areas as places of recreation, and they understand their environmental importance.

The public is legitimately concerned about continued road building, logging, mining, and other destructive practices in our last remaining forest wildernesses. North Carolina is fortunate to have some of this nation's most impressive national forests, and many Cary citizens seek out and visit these areas each year.

Roadless areas provide unique habitat for many fish species of great recreational, commercial, and cultural value. In addition, roadless areas help recharge aquifers and are often in the headwaters of municipal watersheds, providing the cleanest water and resulting in lower water treatment costs for local residents. In fact, I understand that nearly 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting these scenic wilderness areas also makes sound economic sense. Roadless areas provide scenic vistas, hunting, camping, hiking, and touring opportunities that can retain current residents and businesses, and can also attract non-resource extraction businesses. I have seen data that indicates the projected economic impact of recreation in the national forest system in 2000 will be \$110 billion, in contrast to \$3.5 billion from logging. It appears that protecting these areas will lead to more public wealth than using them for extractive purposes.

Cary citizens are concerned about these issues, and I urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and larger, in all national forests. Protect these areas from logging, road building, mining, commodity development, and other destructive practices. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Glen Lang
Glen Lang
Mayor

cc: Jesse Helms, US Senator
John Edwards, US Senator

RECEIVED
JUN 30 2000
DEPUTY CHIEF NFS

TOWN OF CARY

316 North Academy Street • Cary, NC 27513 • PO Box 8005 • Cary, NC 27512-8005
tel 919-469-4011 • fax 919-460-4910 • www.townofcary.org

16031/F3



City of Goldsboro

J. O. Brewer A
North Carolina
27533-9701

June 9, 2000

(919) 735-6121

5393 Roadless
CCU 6/13/00

Michael Dombeck, Chief
U.S. Forest Service
PO Box 96090
Washington, DC 20090

4 1 7 5

REC'D FOREST SERVICE
JUN 13 2000
CHIEF'S OFFICE

Dear Mr. Dombeck:

This letter is written to urge you to adopt a policy to protect roadless areas in our national forests. As a publicly elected official of North Carolina, I well understand the critical importance of impact and undamaged pristine wild areas.

A high premium on these wild areas is set by the citizens I represent. They provide places of recreation and spiritual renewal. Even if you have to travel to experience the pleasures of a national forest roadless area, millions of Americans from every part of the country seek them out each year. The public is concerned about continued road building, logging, mining and other destructive practices in our last remaining forest wilderness. North Carolina is fortunate to have some of this Nation's most impressive national forests.

Protecting these areas also provides unique habitat for many fish species and serves to recharge aquifers and are often in the waterheads of municipal watersheds. In fact, 80% of the nation's water supply comes from national forests, with roadless areas producing the purest of that water. These unlogged and unroaded areas also protect private property from landslides and flood damage.

Protecting the scenic wilderness areas also makes sound economic sense. In 2000, the projected economic impact of recreation in the national forest system will be \$110 billion, in contrast to \$3.5 billion from logging. Protecting these areas will lead to more public wealth than using them for extractive purposes.

I would like to urge you to adopt a roadless areas protection policy which protects all roadless areas, 1000 acres and large, in all national forests. The public's best interest will be best served if you succeed in establishing such a strong forest protection policy.

Sincerely,

Hal K. Plonk
Hal K. Plonk
Mayor

CAET RECEIVED

JUN 16 2000

HKP:stj

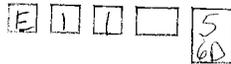
Received in FS/CCU

Initial: KH

Control No: 4155290

BYRON L. DORGAN
NORTH DAKOTA
111 HART DRILLING
WASHINGTON, DC 20510-3405
202-224-7261
202-224-6978 TDD

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE & TRANSPORTATION
ENERGY & NATURAL RESOURCES
INDIAN AFFAIRS
CHAIRMAN, DEMOCRATIC POLICY COMMITTEE



United States Senate

WASHINGTON, DC 20510-3405

July 10, 2000

Dr. Mike Dombeck
Chief of the Forest Service
PO Box 96090
Washington, D.C. 20090-6090

Dear Chief Dombeck:

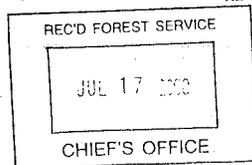
I write to request a 90-day extension of the current comment period for the Proposed Future Management of Roadless Areas.

In light of the Forest Service's decision to simultaneously implement six plans for the management of the grasslands in North Dakota, additional time for comment seems an appropriate and reasonable request. The July 17 deadline simply doesn't provide the time needed to fully understand the implications of the Roadless Plan and how it fits with the Forest Service's five other proposed plans.

I believe the Forest Service should allow a more significant time period for interested parties to thoroughly review and comment upon the Proposed Roadless plan, and I urge you to extend the deadline.

Thank you for your consideration.

Sincerely,



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43714
STATE OFFICES
312 FEDERAL BUILDING
THIRD AND FOSBERG AVENUE
P.O. BOX 2579
BISMARCK, ND 58502
701-230-4518
1-800-695-4462 TOLL-FREE
112 ROBERTS STREET, ROOM 110
P.O. BOX 2250
FARGO, ND 58107
701-239-5369
102 NORTH 4TH STREET, ROOM 108
GRAND FORKS, ND 58201
701-746-8972
100 1ST STREET, S.W., ROOM 105
MINOT, ND 58701
701-852-0703

JUL 17 2000

CAET RECEIVED

JUL 17 2000

July 17, 2000

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

Roadless Area Conservation Proposed Rule
Proposed Rule 36 CGF Part 294 & Draft EIS

Dear Sir or Madam:

I offer these comments to the Roadless Area Proposal published in the Federal Register May 9, 2000. On behalf of the people of North Dakota, I oppose the proposed rule, and ask that North Dakota be exempted for reasons stated below.

My overriding concern for objecting to the proposed rule and for seeking an exemption, is because of the status of the Proposed Revision of the Land and Resource Management Plan (Management Plan) for the Dakota Prairie Grasslands. The State of North Dakota provided comments to the proposed Management Plan on February 2, 2000, and sought cooperating agency status for the State and an immediate dialogue with Forest Service officials to refine the Management Plan in a way acceptable to the people of North Dakota.

Since that time, the Forest Service and the State of North Dakota, have expended hundreds of hours refining the Management Plan in a fashion we believe to be acceptable to the people of this state and interested parties. We are reaching agreements that will properly provide for multiple use and maintain the ecosystem of the Dakota Prairie Grasslands. However, the proposed Roadless Area rule will supercede those agreements and obliterate the acceptance of the Management Plan we've been able to foster thus far.

of the Tongass National Forest include

- Allowing use of forest resources will help to meet market demands for timber.
- A recent decision under the management plan provides for land use designations that restrict or prohibit road construction.
- If road construction were prohibited, approximately 95% of timber production for the next five years would be eliminated.
- The local economy is in transition from Forest Service timber sales.

North Dakota should be exempt from Roadless Area rule, for similar reasons.

- The Management Plan is well underway and will provide for multiple use and protection of the resource within the Dakota Prairie Grasslands, including backcountry, non-motorized areas.
- Implementation of the Roadless Area rule will supercede discussions now taking place concerning the Management Plan.
- North Dakota and the Forest Service have decades of successful experience reclaiming lands previously used for oil and gas development, reclaiming 500 oil well locations and 480 miles of roads.
- The management of the Dakota Prairie Grasslands heavily influences the economies of local communities.
- Finally, oil and gas production from the National Grasslands represents 27% of the State's oil production, 30% of the oil supply for the BP Amoco Refinery in Mandan North Dakota, thereby helping to meet market demands for oil and gas. Oil and gas production from the Grasslands also contributes \$15 million in tax revenues annually.

For these reasons North Dakota requests that it be exempted from the proposed Roadless Area rule. Any roadless proposal for North Dakota should be the result of the forest management process, currently underway.

17294

2. The rule creates a risk of abandonment or loss of use of state and privately owned mineral and surface acres surrounded by or adjacent to Roadless Areas. State and privately owned minerals and surface contribute enormously to school budgets, local economies and the state general fund.
3. It does not identify the potential impact to the State and local economies. Although the DEIS identifies an analysis of impacts to timber production, no such analysis is present regarding oil and gas production and its impact to the State of North Dakota. In fact the proposed rule acknowledges that oil and gas production is likely to be reduced, but does not quantify the impact.
4. Restricting further access to public lands for oil and gas production runs counter to a sound national energy policy. Nationally, the proposal will take 50% of the Forest Service land base out of multiple use, reducing access for oil and gas production and making the United States more dependent upon foreign oil.
5. The Plan includes Roadless Areas, different than those included in the Proposed Revision of the Land and Resource Management Plan for the Grasslands. This variance creates confusion amongst the public, but also hampers the State and Forest Service from progressing towards implementing a new management plan.
6. Finally, the Plan calls for two parts to be implemented without fully identifying the "unroaded areas" that are to be identified in the management planning process. In short, the Plan suggests implementing a plan on public lands, without fully identifying what areas are to be effected.

The Western Governor's Association (WGA) has previously provided comment regarding the Notice of Intent to Prepare an Environmental Impact Statement to the Forest Service, has met with Chief Michael P. Dombeck, and has urged the Forest Service to work with western states before proceeding with the Roadless Plan, now under consideration. WGA has

17294

JUL 17 2000 12:42PM ND AG DEPT

NO. 001 P. 2

17294

19290

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON



PHONE (701) 328-2231
(800) 242-7535
FAX (701) 328-4567

600 East Boulevard, Dept. 602
6th Floor, State Capitol
Bismarck, ND 58505-0020

input and cooperation of western states to implement sound resource management that considers local input, and the impact to state and local economies.

Sincerely,

Edward T. Schafer,
Governor

July 17, 2000

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

RE: Proposed Rule - Forest Service Roadless Area Conservation - 36 CFR Part 294

Dear Mr. Dombeck:

I would like to thank the United States Forest Service for the opportunity to comment on the proposed Roadless Area Conservation Rule.

As I referenced in my January 20, 2000, comments on the **Proposed Land and Resource Management Plan - Dakota Prairie Grasslands 1999 Revision**, many agriculture organizations, ranchers, and affected local communities have been closely following the Forest Service's ongoing policy initiatives regarding Forest Service controlled grasslands in North Dakota. Again, I ask that special attention be given to the comments submitted by the impacted communities, industries, and individuals that make a living from activities directly related to the grasslands.

§ 294.10 Purpose.

The stated purpose of this subpart is to provide lasting protection in the context of multiple-use management for inventoried roadless areas and other unroaded areas within the National Forest System. Limiting agriculture producers' access to grasslands does not achieve a true multiple-use management system.

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Dombeck
July 17, 2000
Page Two

§ 294.12 Prohibition on road construction and reconstruction in inventoried roadless areas.

Many ranchers and private landowners fear access to grasslands will be so limited that the use of the land for agriculture purposes will be severely restricted. Language in this section appears to perpetuate this belief. The Forest Service's preferred alternative would prohibit road construction and reconstruction in unroaded portions of the grasslands. Agriculture producers (permittees) need to access public lands to conduct normal maintenance or conduct emergency services. Lack of access and prohibition of road construction or reconstruction appears to go against the proposed land and resource management plan which may require permittees to continually access certain grasslands tracts in order to monitor conditions to ensure the tracts are being managed in accordance with Forest Service requirements.

I support Alternative 1 (No Action, No Prohibitions) at this time. I agree that future proposals for road construction and reconstruction should be considered on a case-by-case basis. Until there is a joint assessment of all the transportation and access needs by all local affected parties, it is difficult for me to support Alternative 2 (Forest Service Proposed Action and Preferred Alternative).

§ 294.13 Consideration of roadless area conservation during forest plan revision.

Procedural alternatives outline how local grasslands managers should address roadless characteristics in future projects or revisions of resource management plans. It is important to local interests that they have input into the evaluation of the importance of roadless areas during local planning. Again, this can be accomplished on a case-by-case basis.

I support Alternative A which indicates that no procedures would be established directing local managers to evaluate the roadless area characteristics during local planning. I believe the local managers need to meet with local interests and evaluate access and road systems on a case-by-case basis as questions are raised. Alternative B (Forest Service Proposed Action and Preferred Alternative) appears to place local managers in a prescribed system that would prohibit the manager from being flexible as different circumstances arise in each case.

One of the key public issues is the impact that access determinations will have on local economies. We must ensure that local communities have a strong role in determining acceptable impact. It is also imperative that agriculture producers continue to have

JUL. 17. 2000 12:43PM ND AG DEPT

NO. 001 P. 4

19290

Dombeck
July 17, 2000
Page Three

the ability to access grasslands in order to conduct normal maintenance and deal with emergency situations. An evaluation, conducted by the assistance of local interests, must be completed first to determine where problem areas potentially exist.

If I can be of further assistance, please feel free to contact Ken Junkert of my staff at 701-328-4764.

Thank you for consideration of my comments and recommendations.

Sincerely,


Roger Johnson
Commissioner of Agriculture

RJ:kj

CC: United States Senator Kent Conrad
United States Senator Byron Dorgan
Congressman Earl Pomeroy
Secretary of Agriculture Dan Glickman
Governor Edward T. Schafer
Dale Patten, HAND
North Dakota Farmers Union
North Dakota Farm Bureau
North Dakota Stockmen's Association

g:\ken\grassroad



**NORTH DAKOTA
HOUSE OF REPRESENTATIVES**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Rep. Audrey Cleary
District 49
104 Seminole Avenue
Bismarck, ND 58501

COMMITTEES:
Human Services and Veterans Affairs
Transportation



July 12, 2000

USFS c/o Alaska Rainforest Campaign
406 G. Street #209
Anchorage, Alaska 99501

Dear Sir,

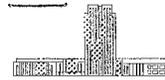
Please support President Clinton's plan to protect the remaining roadless wildlands of our national forests, including Alaska's Tongass and Chugach National Forests. Alaska is the last frontier and I want it to be there in all it's pristine beauty for my children and grandchildren to enjoy. Most of our country is overtaken by urban sprawl. Let's keep these areas as natural as possible.

My husband and I spent several weeks in Alaska last summer and we were impressed with its natural and awesome beauty. We were especially pleased to hear that snowmobiles are *not* allowed in many areas of Denali National Park. Please keep these wilderness areas as beautiful and wild as the Creator intended.

Sincerely,

Audrey Cleary
Audrey Cleary
North Dakota State Representative

17286



Representative Todd Porter
District 34
704 Sixth Avenue NE
Mandan, ND 58554-3422

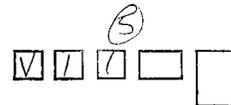
**NORTH DAKOTA
HOUSE OF REPRESENTATIVES**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Human Services
Natural Resources

19315



RECEIVED

JUL 12 2000

July 6, 2000

USDA Forest Service-CAET
Attn: Roadless
P. O. Box 221090
Salt Lake City, UT 84122
Email: roadlessdeis@fs.fed.us

Re: Roadless Area Conservation Proposed Rule
Proposed Rule 36 CFR Part 294 & Draft EIS

Dear Sir or Madam:

Thank you for allowing me to comment on the Roadless Initiative. I am opposed to the Roadless Initiative and urge the Forest Service to postpone the implementation of this rule in the Dakota Prairie Grasslands. This rule will have a devastating impact on the oil and gas industry in North Dakota and the economy and well being of the state of North Dakota. The following facts support my opposition to the Roadless Initiative:

- The Dakota Prairie Grasslands hold 27% of the state's oil production and 30% of the state's producing wells and provides nearly 1,000 jobs brings in nearly \$15 million per year in tax revenues and only temporarily disturbs less than one-half of one percent of the grasslands surface area.
- The oil industry in ND has explored and drilled the grasslands for the past 50 years and has restored over 500 wells and 480 miles of roads. This represents more than 5,500 acres returned to vegetation after the oil and gas reserves were depleted and 45% of all roads constructed by the oil and gas industry.
- The oil and gas industry and other users along with wildlife can all co-exist in the Dakota Prairie Grasslands because reclamation is fast, effective, and very successful. That may not be true in National forests in other states where reclamation can be more of a challenge.
- The BP Amoco Refinery in Mandan receives 36% of its supply from the grasslands; the roadless plan places the future of the refinery at risk. The importance of allowing multiple use on public lands is extremely important to our state and the ability of the oil and gas industry to provide a cheap energy source to our citizens.
- Currently, 67% of the oil reserves in the U.S. lie under federal lands. In the past ten years access has decreased by 60% and the Forest Service plans under consideration will make that much worse. The nation's dependency on foreign oil has increased to 56% on a daily basis. Responsible access to oil and gas reserves is critical to our nations energy supply.

This one-size fits all program does not meet the needs for management of the Dakota Prairie Grasslands in ND. Oil and gas reserves in ND can be developed on public lands by the oil

Page 2

industry with little environmental impact and technology continues to lessen the impact of production and enhance the reclamation efforts. The BP Amoco Refinery in Mandan is a prime example of industry and nature working in harmony. The financial impact to Mandan through lost jobs and property taxes by implementation of this plan would be devastating.

Please reconsider implementing this rule.

I appreciate your thoughtful consideration of my comments.

Sincerely,


Representative Todd Porter

19315 -



6345



BILLINGS COUNTY

Board of Commissioners



Phone: (701)623-4377

PO Box 168 MEDORA, ND 58645

Fax (701) 623-4896

District 1
Philip Malkowski
(701)575-4965

District 2
Wesley Schuhrke
(701) 225-6586

District 3
Jerry Redmond
(701)575-4528

June 21, 2000

USDA Forest Service-CAET
Attn: Roadless
P. O. Box 221090
Salt Lake City, UT 84122
Email: roadlessdeis@fs.fed.us

Re: Request for Extension on Comments
Proposed Rule 36 CFR Part 294 & Draft EIS

Dear Sir or Madam:

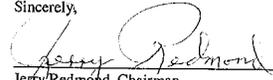
Billings County, Medora, North Dakota, respectfully requests a 90-day extension of the comment period on the Forest Service (FS) Proposal for Future Management of Roadless Areas/Draft Environmental Impact Statement published in the May 9, 2000 Federal Register. The 60-day comment period that will close on July 17, 2000 does not provide sufficient time to analyze the documents and prepare comments.

There are currently six plans, rules, or initiatives the Forest Service is attempting to implement. The size and complexity of them makes it extremely difficult to understand and comment on each. The FS, in conjunction with the release of the proposal and DEIS, scheduled 300 public meetings throughout May and June. The later meetings are for public input regarding the proposal. Therefore, it is necessary to have the proposal thoroughly analyzed prior to the hearings/meetings in June. The comment time frame actually provides for approximately 30 days to review nearly 1,000 pages that affect over 55 million acres. Again, this is not a sufficient comment period for such an important issue.

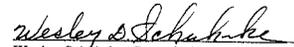
Additional time will afford the public the opportunity to provide the Forest Service with more thorough responses, thus aiding the agency in achieving a more mutually acceptable management approach.

We appreciate your thoughtful consideration to this request and look forward to hearing from you.

Sincerely,


Jerry Redmond, Chairman


Philip Malkowski, Commissioner


Wesley Schuhrke, Commissioner

cc: Governor Ed Schafer
Senator Kent Conrad
Senator Byron Dorgan
Rep Earl Pomeroy



BILLINGS COUNTY

Board of Commissioners

Phone: (701)623-4377

PO Box 168 MEDORA, ND 58645

Fax (701) 623-4896

District 1
Philip Malkowski
(701)575-4965

District 2
Wesley Schuhrke
(701) 225-6586

District 3
Jerry Redmond
(701)575-4528

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56495

56495

Billings County, North Dakota
Comments on USDA Forest Service Roadless Proposal
July 17, 2000

Page 2

Illegal Roadless Designations

The Forest Service's proposal to designate as roadless over 200,000 acres within the Dakotas National Grasslands is illegal. These areas cannot legally be deemed roadless by the federal government because North Dakota law established rights-of-way for roads along section lines on all public lands in the state. North Dakota Attorney General Heidi Heitkamp has issued a binding legal opinion which establishes that public roads may be constructed along rights-of-way on federal land in ND under the state's section line law and that they are not eligible for federal agency roadless designation or management. Her opinion concludes that the federal government must honor these rights-of-way. Therefore, we demand that the Forest Service exempt lands in North Dakota from the Roadless Initiative.

Impact of Proposed Rule

Under the proposed rules, the FS asserts, "The only negative effects expected during the transition period would be from reduced timber harvest and mineral exploration and extraction." The FS goes on to actually predict the expected reduction in timber harvest and revenue. However, no such prediction is made for energy and mineral resources. We find this shoddy analysis untenable. For the Forest Service to suggest such impacts without specifying the projected loss of mineral revenue and opportunities to develop energy and mineral resources as a result of the new regulation and its transition period is inexcusable. This oversight is exceptionally grim given the fact that the agency insists it does not have the funding to maintain its current road system, particularly in light of the federal, state and county revenues generated by oil and gas activities on the NFS. We advocate that the FS clarify the projected impacts from the proposed rule on the energy and minerals industries and modify the proposal to reduce or eliminate such impacts to our local economy and to our domestic energy and minerals supplies.

Inadequate Economic Evaluation

The economic analysis performed by the Service fails to even identify and clarify the genuine need for the proposed regulations. It is our understanding that the Office of Management and Budget recently released guidance, which standardized how to measure costs and benefits of a proposed rule. As such, the agency must determine whether the problem has cropped up due to a "significant market failure" or some other necessity. It is further mandated that "if the problem is not a significant market failure, you should provide an alternative demonstration of compelling need." This omission occurs despite the fact that the Service must identify the problem it plans to focus on as well as determine the significance of the problem. Moreover, the analysis does not meet the requirement for an economic analysis of regulation. We oppose the proposed rule and recommend that it be withdrawn in order for the FS to conduct the requisite analysis prior to making the assumption that a new rule is, in fact, necessary.

July 14, 2000

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

CAET RECEIVED
JUL 17 2000

Re: Proposed Roadless Area Management Comments

Dear Sir:

Billings County, North Dakota is submitting these comments on the US Forest Service's Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement. Federal lands comprise approximately 50 percent of Billings County, of which 30 percent has been inventoried as ostensibly "roadless." The federal land in Billings County is acquired land, purchased by the federal government from the county and private landowners in the 1930's. The county's share of the federal revenue totals approximately 85% of the county's budget. Billings County reserved 6.25% royalty interests when the lands were purchased by the federal government and the county claims mineral interests on 54% of what is now inventoried roadless areas. We oppose not only this current proposal, but also oppose the rule's encouragement to local Forest Service managers to seek or locate additional large areas for future roadless consideration.

We oppose the proposal to ban new road construction and manage inventoried roadless areas as de facto wilderness because it will have a devastating impact on our county revenue. The federal government has an obligation to ensure that rural communities are not adversely affected by federal land use decisions. Nevertheless, the roadless area initiative will severely impact our rural communities and our economy by significantly restricting access to the federal lands for grazing and oil and gas exploration and production, uses upon which the County relies as its economic base. At a minimum, this initiative severely affects oil and gas activities by withholding high potential areas from leasing, classifying currently leased areas as roadless or imposing highly restrictive stipulations (no surface occupancy) in situations where less restrictive requirements (seasonal use) would be effective. In so doing, the proposed rule not only precludes access but also significantly increases the cost of doing business in our county. Grazing activities will be equally affected due to reduced roaded access required to manage livestock and the likelihood that many areas would be unavailable for grazing activities.

Billings County, North Dakota
 Comments on USDA Forest Service Roadless Proposal
 July 17, 2000

Page 3

Inadequate Cost-Benefit Analysis

It is extremely troublesome that the FS has not completed a cost-benefit analysis on the proposed rule. We are enormously concerned that the assessment does not provide quantitative estimates for the wide variety of cost-benefit categories affected by the proposed rule. Of additional concern, is that the agency does not even provide adequate support for the qualitative discussion of costs and benefits. Moreover, the benefits claimed in the proposed rule are not justified through the analysis. Clearly, the sweeping nature of the proposal requires a much more in-depth analysis than the FS has conducted.

Oil and Gas Resources

The Dakota Prairie Grasslands hold 27% of the state's oil production and 30% of the state's producing wells and provides nearly 1,000 jobs. The oil industry's activities on the grasslands bring in nearly \$15 million per year in tax revenues and only temporarily disturb less than one-half of one percent of the grasslands surface area. Please note that the oil industry in North Dakota has explored in and drilled on the grasslands for the past 50 years and has restored over 500 wells and 480 miles of roads. This reclamation constitutes more than 5,500 acres returned to productive vegetation after the oil and gas reserves were depleted and the elimination of 45% of all roads constructed by the oil and gas industry.

In its study entitled, *Natural Gas, Meeting the Challenges of the Nation's Growing Natural Gas Demand*, the National Petroleum Council estimates there are 460 trillion cubic feet (TCF) of remaining natural gas in the Rocky Mountain states. About 288 TCF of this resource occurs on federal lands, of which the Forest Service controls 8 percent. NPC also estimates that another 2 TCF on Forest Service lands are threatened by potential new wilderness designations. When one adds this new proposal to those areas already unavailable, potentially unavailable or highly restricted, the consequences are extreme.

Evidently, the Forest Service has ignored its own minerals policy which states the agency's intent is to "meet most demands for access to explore for and develop mineral resources, except when doing so would pose unacceptably high risks to other resources." Under the Roadless Initiative, lands unavailable for oil and gas leasing and development would leap from the current **22 percent** (wilderness) to **50 percent of the agency's total land base**. Therefore, we oppose the current proposal because it will have a **severe impact** on western state and local economies. We dispute the claims that clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities can be adequately protected only through preservation of inventoried roadless areas. The National Forest Management Act (NFMA) requires the agency to manage the entire NFS, outside of designated wilderness, with full consideration and mitigation of these resource values.

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Billings County, North Dakota
 Comments on USDA Forest Service Roadless Proposal
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Oil & Gas Activities should be exempted from the Roadless Initiative

The Forest Service states that only 40 percent of the NFS roads are maintained to established safety and environmental standards, the backlog on arterial and collector roads alone is estimated to be over \$10 million, and current funding levels are inadequate to maintain existing roads to planned standards. These are some of the professed reasons for the road initiative.

The Forest Service appears to have also disregarded the fact that the oil and gas industry **privately** funds construction, maintenance and reclamation of all roads required to explore for and produce oil and gas resources. The petroleum industry does not look for financial assistance from the Forest Service nor any other federal agency for its road construction needs. Moreover, it must be recognized the oil and gas activities are temporary uses that are reclaimed to a natural condition once operations have been completed. There are many examples of reclaimed oil and gas sites in currently designated wilderness. Is this proposed rule truly aimed at the funding question or is it really focusing on a new manner in which to preclude multiple use activities on Forest Service lands? We believe the explanation is the latter and we oppose that goal.

Poor Forest Service Management

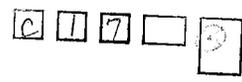
Billings County has significant concerns regarding the manner in which the federal government manages its lands. An example is noxious weed control. The federal government did not start its program to control noxious weeds until the situation had become critical. Due to that lack of foresight on the federal government's part, the county has had to institute a large budget and several employees to address the severe weed problem that is overtaking the entire county. Clearly, lack of access will only make the problem worse. This initiative grossly underestimates the cost of implementation on counties and ignores the example of disastrous non-management and inaccessibility for many management programs, including fire prevention and protection, as experienced in the recent fires in New Mexico and other states, and should be withdrawn.

Flawed Management Approach

By focusing only on roadless areas, the Forest Service is circumventing the NEPA/planning process, which mandates full consideration of **ALL** uses. The purpose of the land and resource management planning process as required by the National Forest Management Act is to consider all uses equally to determine the best management plan for site-specific areas. Imposing a "one plan fits all" approach geared toward a non-management philosophy to land management eliminates local flexibility and disregards the individual resource needs of a specific areas.

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Conclusion

Billings County strongly opposes the proposed rule and urges the Forest Service to withdraw the proposed rule, or at a minimum, exempt the Dakota Prairie Grasslands from the Roadless Initiative. First, as mentioned previously in these comments, a roadless management designation is illegal under North Dakota law. Second, these lands do not qualify for a roadless designation since they are covered with existing roads. Therefore, they should be managed in keeping with the economic interests of North Dakota. Please do not hesitate to contact us if you have any questions regarding our comments,

Sincerely,

Jerry Redmond, Chairman
Billings County Board of County Commissioners

- cc: The Honorable Byron Dorgan, United States Senate
- The Honorable Kent Conrad, United States Senate
- The Honorable Earl Pomeroy, United States House of Representatives
- The Honorable Ed Schafer, Governor

McKenzie County Grazing Association
P.O. Box 572
Watford City, ND 58854
(701) 842-3384 - Phone
(701) 842-6046 - Fax
mcga@ruggedwest.com

CAET RECEIVED
JUL 17 2000

July 14, 2000

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

Dear Sirs:

The McKenzie County Grazing Association hereby adopts the attached resolution as its official response to the President's Roadless Initiative.

One additional comment from MCGA is that U.S. owned historical documents, agencies records and Federal District Court proceedings show that the National Grasslands in McKenzie County were purchased as Agricultural projects under the authority of the 1933 National Recovery Relief Act.

This history and court orders make a roadless plan for the National Grasslands both illogical and illegal since roadless areas were not a purpose for the repurchase program.

Sincerely,

Keith Winter
President

Frances M. Olson, Auditor

Office of the County Auditor
McKenzie County
PO Box 543
Watford City, North Dakota 58854-0543
Telephone: 701-842-3616 Fax: 701-842-4113
email folson@4eyes.net

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Debora Johnston, Deputy

Resolution of McKenzie County
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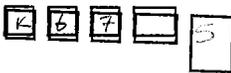
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RESOLUTION

OF

McKENZIE COUNTY

NORTH DAKOTA



CAET RECEIVED
JUL 17 2000

July 14, 2000

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

Dear Sirs:

The McKenzie County Board of Commissioners adopted the enclosed resolution regarding the roadless initiative at their regular July meeting.

They appreciate this opportunity to comment and request that this information be given careful consideration.

Sincerely,

Frances M. Olson
McKenzie County Auditor

The County Board of Commissioners in and for McKenzie County, a political subdivision of the State of North Dakota, being duly convened and with all members of the Board of Commissioners being present, and having held considerable discussion in regard to the U.S.D.A. Forest Service proposed road less initiative has determined the following:

WHEREAS, McKenzie County is the largest county in the State of North Dakota;

WHEREAS, McKenzie County is bounded on the north and east by the Missouri River, now largely consisting of a man made lake due to the Garrison Dam which was a Federal Project unwantingly imposed upon the people of McKenzie County, and which destroyed the most valuable farmland in McKenzie County, and which has created a permanent barrier for travel and commerce to and from McKenzie County that is financially impractical to overcome;

WHEREAS, McKenzie County is bounded on the west by the Yellowstone River and there are but two bridges allowing travel to and from McKenzie County from the west across the Yellowstone River;

WHEREAS, McKenzie County is bounded largely to the south by the Little Missouri River and there are but two bridges that allow travel across said river in high water;

WHEREAS, the rivers and dam that surround McKenzie County virtually make it an inland island, which impedes commerce;

WHEREAS, McKenzie County economy consists primarily of agriculture as its base industry, including cattle, small grains, oil seeds, and other produce which require transportation to and from market and that roads are critical for raising these products to feed and supply the nation; and,

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the continued use and improvement of existing roads and construction of new roads are critical for this economy and the people who live not only in McKenzie County, but through out the nation;

WHEREAS, due to biological catastrophes caused by the federal government failing to prevent introduction of non-native plant species onto federal lands, noxious weeds have infested the National Grasslands, such as - leafy spurge, Russian thistle, spotted knap weed, etc., and due to the fact that the U.S.D.A. have failed to implement appropriate countermeasures to eradicate or prevent such infestation of noxious weeds on the National Grasslands the native grasses and wildlife are threatened by further infestation of noxious weeds which have spread from federal lands unto private lands and will continue to spread onto private lands; presently the only way to meaningful combat existing noxious weeds and prevent the further spread of the same is through application of chemical spray; and, the only way to provide limited use of such chemicals is with spot application which can only be done by ground driven motor vehicles requiring roads;

WHEREAS, the National Grasslands periodically experiences fires caused by various sources (including for example failure of a federally owned power pole in the fall of 1999); and fires upon the National Grasslands threaten private land intermingled with such federal lands, and destruction of private property, homes, and threats to the safety and lives of residents and firefighters occur when such fires take place; and since roads are necessary for McKenzie County to prevent, fight, control such fires when they occur, existing roads must be maintained, improved, and new roads constructed to assist in this regard; further, the experience of federal agencies in Los Alamos New Mexico demonstrates that the federal agencies are incapable of exercising common sense in the prevention of wild fires and further incapable of preventing massive destruction when such fires occur upon federal lands; accordingly, maintenance, improvement, and construction of roads upon the National Grasslands is necessary to protect the people who live in McKenzie County and the property of those who own land in McKenzie County;

WHEREAS, oil and gas exploration and production has been present in McKenzie County for at least thirty-eight years and there are vast oil and gas reserves in McKenzie County, many as yet undeveloped, which are crucial to the economy of McKenzie County, North Dakota, and the United States; said oil and gas production is further critical to the national security of the United States;

WHEREAS, real estate taxes primarily fund public works and schools in McKenzie County and North Dakota yet the federal lands that are located in McKenzie County provide no real estate taxes to benefit McKenzie

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County or North Dakota; rather funds in lieu of taxes are paid to McKenzie County through operation of the Bankhead Jones Farm Tenant Act; limiting maintaining of existing roads, improvement of existing roads, and the construction of new roads wrongfully and maliciously takes funds away from public works projects and damages the education of the youth in McKenzie County;

WHEREAS, most of the federal lands in McKenzie County were not always federal lands, but once were held privately and were reacquired by the federal government in various ways in the early and mid 1930's; as such the federal government condemned and took tens of thousands of acres that belonged to McKenzie County; through such takings McKenzie County negotiated and the federal government provided that McKenzie County would receive and did in fact receive 6.25% of all oil and gas from said lands together with ownership of all existing roads, right of ways; this is established and confirmed by condemnation judgments in Federal District Court and are binding upon the federal government; any attempt to now take away the rights to these roads and prevent development of royalty interests owned by McKenzie County would be conversion of property by the federal government and a taking without authority harming the people of McKenzie County and the State of North Dakota;

WHEREAS, the majority of private lands reacquired by the federal government in McKenzie County are "Land Utilization Agriculture Projects", now renamed "National Grasslands"; the primary purpose stated in condemnation proceedings for land so acquired was "establishment of a demonstrational area for the proper grazing of livestock", land so acquired by the federal government in McKenzie County is to be managed with intermingled private and state lands to benefit the economy and the people of McKenzie County and the State of North Dakota;

WHEREAS, it is established as a matter of law that Section Lines in North Dakota are in fact and in law public roadways, and the same having been confirmed by North Dakota Attorney General's opinion 2000-05, January 26, 2000; and state law provides authority for counties to build, maintain, improve or otherwise use section lines for roads, any attempt by the federal government to prevent the use of section lines for public roads, or to prevent or limit the improvement of such public roads which section lines are would be illegal, without authority, taking without compensation, and conversion of property rights owned by McKenzie County;

WHEREAS, oil and gas development and production and agriculture are dependant upon roads and there is a public need to maintain, improve and construct roads for such endeavors;

Resolution of McKenzie County
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WHEREAS, it appears that the roadless initiative proposed for the National Grasslands is being pursued by the Forest Service for the desire of special interest groups who do not have knowledge or understanding of the National Grasslands nor the needs of McKenzie County and North Dakota or its citizens, nor who have a understanding of the present status of roads and roadways upon said lands and that such is not in the best interests of McKenzie County, North Dakota or the United States, but rather are the misguided and shortsighted vision of radical special groups, the roadless initiative is inappropriate and harmful to the National Grasslands and people who use them and the native plants that grow there and wildlife that inhabit the same;

WHEREAS, this issue is so crucial to the well being of McKenzie County and preservation of County assets that expenditure of County funds to resist, and if necessary to legally challenge, the roadless initiative should be authorized;

WHEREAS, all persons living in McKenzie County are critically dependent upon existing roads, improvement of roads, and construction of new roads for their livelihood, health, safety, and security;

BE IT THEREFORE RESOLVED THAT:

McKenzie County, a political subdivision on behalf of all persons living and working in and near McKenzie County and those desiring or needing to travel to or through McKenzie County and all those persons who have an ownership interest in property in McKenzie County, and for and in the best interests of the National Grasslands and the species that utilize the same, OPPOSES any operation or application of the road less initiative proposed by U.S.D.A. Forest Service for the National Grasslands; and, that the lands in the National Grasslands, in particular those lands in McKenzie County, should be withdrawn from such roadless initiative proposal immediately. And, that if not withdrawn, McKenzie County shall move forward with all available means to prevent the roadless initiative from becoming effective for the National Grasslands located in McKenzie County and shall if necessary initiate legal challenge to any such roadless proposal for lands located in McKenzie County.

Commissioner Anderson moved the adoption of the above resolution. Commissioner Chinn seconded the motion.

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This resolution adopted by unanimous vote of the full board of County Commissioners for McKenzie County this 6th day of July, 2000.

Richard Cayko
Richard Cayko, McKenzie County Commissioner

Roger Chinn
Roger Chinn, McKenzie County Commissioner

Harold Rolfsrud
Harold Rolfsrud, McKenzie County Commissioner

Orville Mjelstad
Orville Mjelstad, McKenzie County Commissioner

Ronald A. Anderson
Ronald Anderson, McKenzie County Commissioner

ATTEST:

Frances Olson
Frances Olson, McKenzie County Auditor



13531

**Testimony of the
North Dakota County Commissioner's Association**

June 28, 2000

Addressing

**U.S. Forest Service Proposed Rule
Regarding
Roadless Area Conservation**

0002 S 0 100

02/28/2000 13:30

The North Dakota County Commissioner's Association is an organization that has represented the 53 County Commissions and the 221 individual county commissioners of the State of North Dakota since 1905. Our Association is uniquely positioned to monitor and address issues that directly effect government service delivery to our citizens, the economic health of our communities, and the general welfare of our State.

While we understand the large task that faces the Forest Service in balancing the competing needs for our Nation's natural resources, we do not believe that adoption of this proposed rule is an appropriate step in achieving that balance. The grasslands region of North Dakota is an extremely important component of our State's economy, both through its contribution to agriculture and through the energy resources it contains. Now, particularly when our Nation faces escalating energy prices due to an over-reliance on foreign supplies, this region has become critical to the economy of the whole country.

While it may appear on the surface that the immediate effects of the proposed rule may be minimal, the broad "procedures for use" of these important lands suggest significant restrictions on their use. Our Association does not believe that an adequate outside economic analysis has been conducted of the full economic impact of this proposed rule. As stated in the resolution passed at our full-membership Business Meeting last October; *"This Association therefore urges independent, objective, and scientific research into the economic and social impact of the proposed changes in grassland management before such changes are made into policy."*

Thank you for the opportunity to express our interests and concerns in this matter.

**Resolution Adopted by the
North Dakota County Commissioner's Association
October 4, 1999**

99-12 Forest Service Grasslands Policy. The public grasslands under the control of the U.S. Forest Service have contributed to the economy and tax base of North Dakota through grazing, employment, energy development, tourism, recreation, hunting, and other uses. The public use of this resource has been the right and heritage in North Dakota for almost 70 years. The U.S. Forest Service however proposes policy changes that severely reduce grassland use by the public, including farmers and ranchers. These proposed changes affect ownership of road rights-of-way and restrict the roadway access necessary for energy development, tourism, camping, and game retrieval, adversely impacting our State's economy. This Association believes that the Forest Service should not proceed without objective, independent, scientific analysis to assess the impact of these proposed changes. This Association therefore urges independent, objective, and scientific research into the economic and social impact of the proposed changes in grassland management before such changes are made into policy.

