



United States
Department of
Agriculture

Forest Service

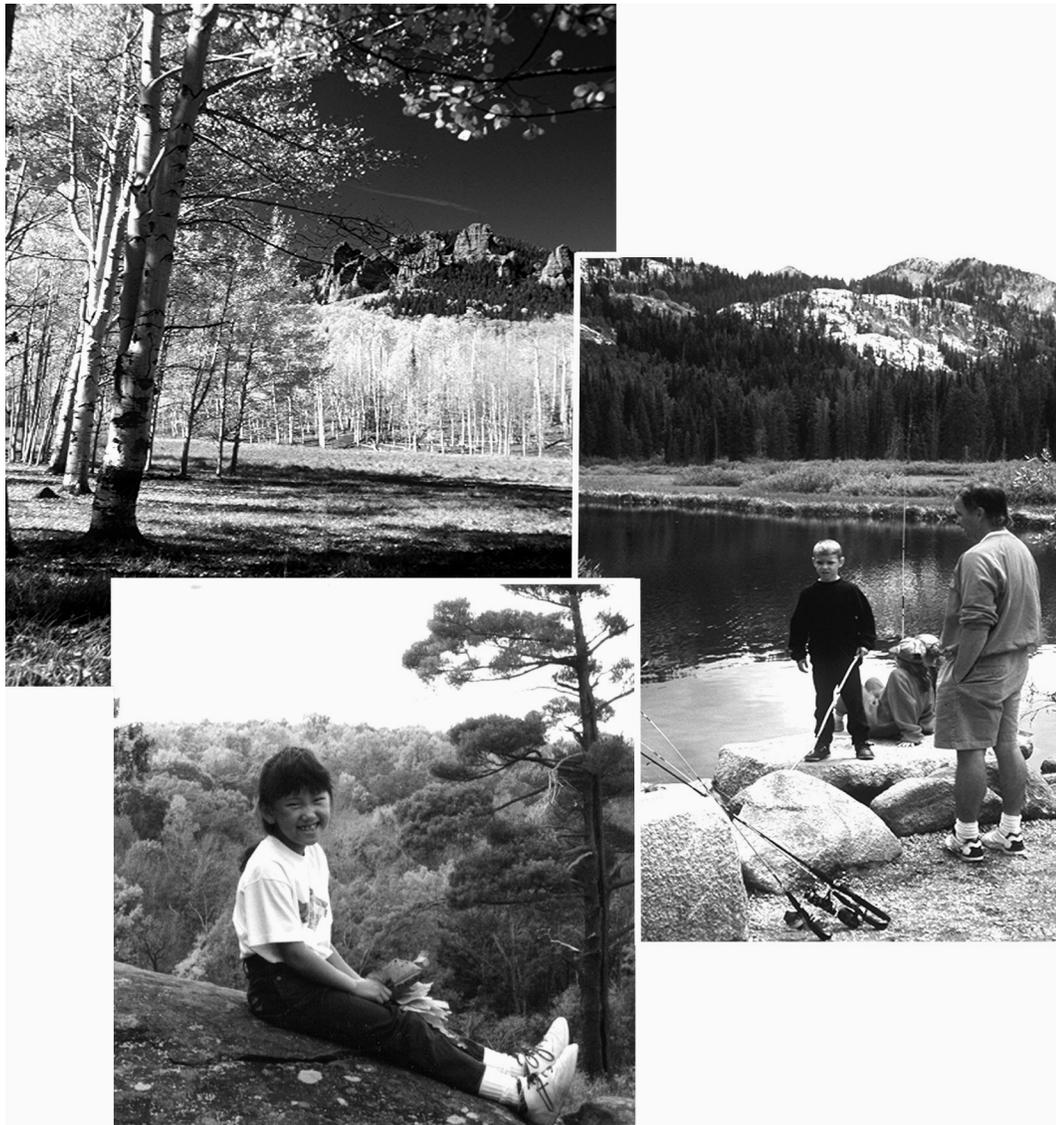
Washington
Office

May 2000



Forest Service Roadless Area Conservation

Draft Environmental Impact Statement SUMMARY and PROPOSED RULE



SUMMARY

Introduction and Proposal

Inventoried roadless areas comprise over 54 million acres, or 28% of National Forest System (NFS) lands (Figure S-1). Areas without roads have inherent values and characteristics that are becoming scarce in an increasingly developed landscape. While NFS inventoried roadless areas represent about 2% of the total landbase of the United States, they provide significant opportunities for dispersed recreation, sources of public drinking water, and large undisturbed landscapes that provide privacy and seclusion. In addition, these areas serve as bulwarks against the spread of invasive species and often provide important habitat for rare plant and animal species, support the diversity of native species, and provide opportunities for monitoring and research.

“Within our national forests there are large parcels of land that don’t contain roads of any kind, and in most cases, never have...these areas represent some of the last, best, unprotected wildland anywhere in our nation. They offer unparalleled opportunities for hikers, hunters, and anglers. They’re absolutely critical to the survival of many endangered species...and I think it’s worth pointing out they are also very often a source of clear and fresh water for countless communities.”

“Specifically, I direct the Forest Service to develop, and propose for public comment, regulations to provide appropriate long-term protection for most or all of these currently inventoried ‘roadless’ areas, and to determine whether such protection is warranted for any smaller ‘roadless’ areas not yet inventoried.”

President Clinton, October 13, 1999

To conserve roadless areas, the United States Department of Agriculture (USDA) Forest Service is proposing to prohibit road construction and reconstruction in inventoried roadless areas within the NFS, unless they are needed for public health and safety, for reserved or outstanding rights, or for other specified reasons. No roads or trails would be closed because of these prohibitions. This proposal also includes a set of procedures to further conserve inventoried roadless areas and other unroaded areas at the time of forest or grassland plan revision. In addition, the agency is proposing special consideration for the Tongass National Forest. On the Tongass, a decision to apply the prohibitions would be postponed until the 5-year Tongass Land and Resource Management Plan (TLMP) review. At that time, the forest supervisor would evaluate and determine whether the road construction and reconstruction prohibition should be applied to any or all of the unroaded portions of the Tongass inventoried roadless areas. The procedures that apply to all other national forests and grasslands would also apply to the Tongass. The Forest Service has prepared a draft environmental impact statement

(DEIS) in accordance with the National Environmental Policy Act (NEPA) that describes the potential environmental impacts that could occur as a result of implementing this proposal or other reasonable alternatives.

Roadless area management became a national issue in 1972 when the Forest Service initiated a review of NFS roadless areas greater than 5,000 acres to determine their suitability for inclusion in the National Wilderness Preservation System. The second and final review process, the Roadless Area Review and Evaluation II (RARE II), resulted in a nationwide inventory of roadless areas.

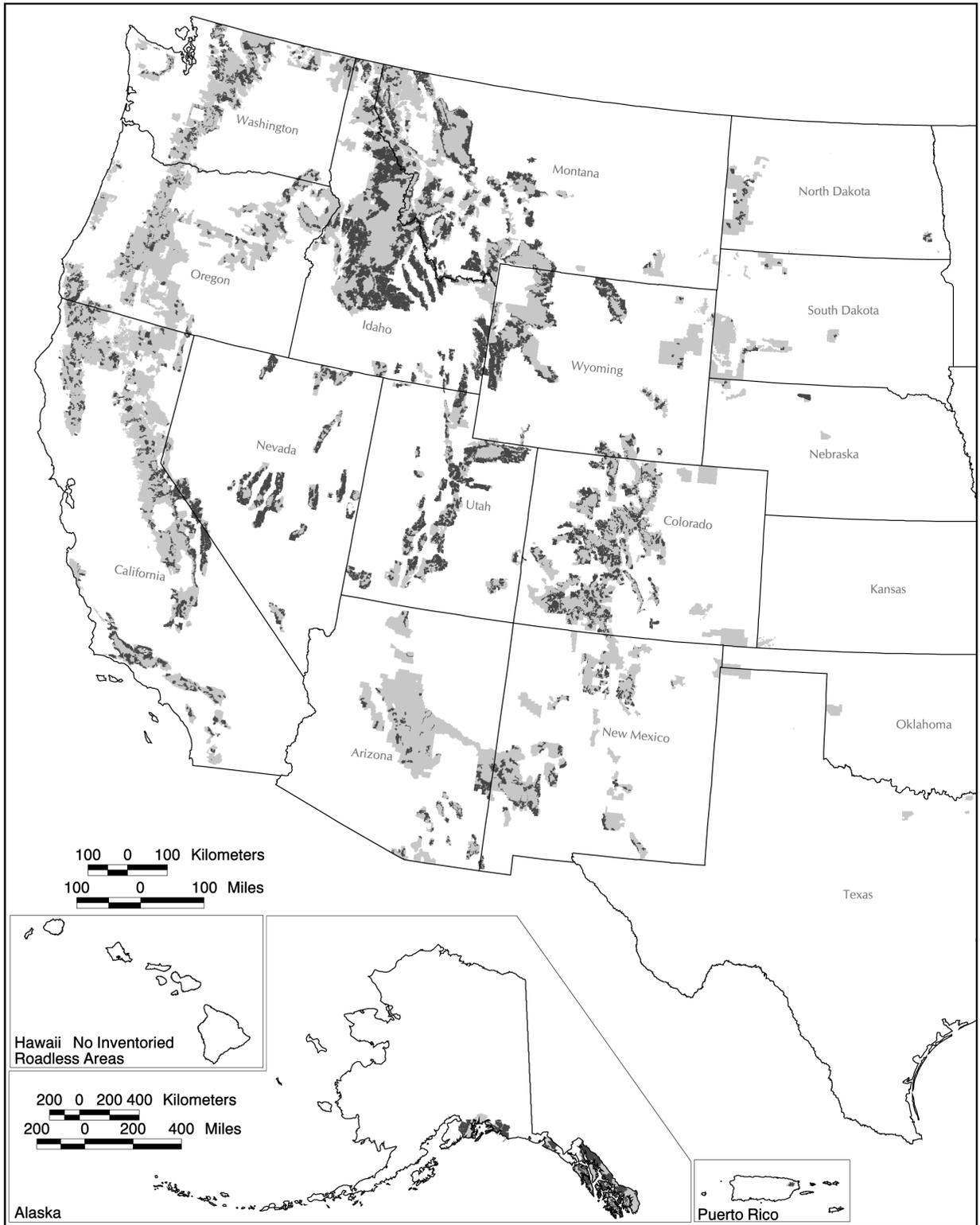


Figure S-1. Inventoried Roadless Areas on NFS Lands, Western United States.

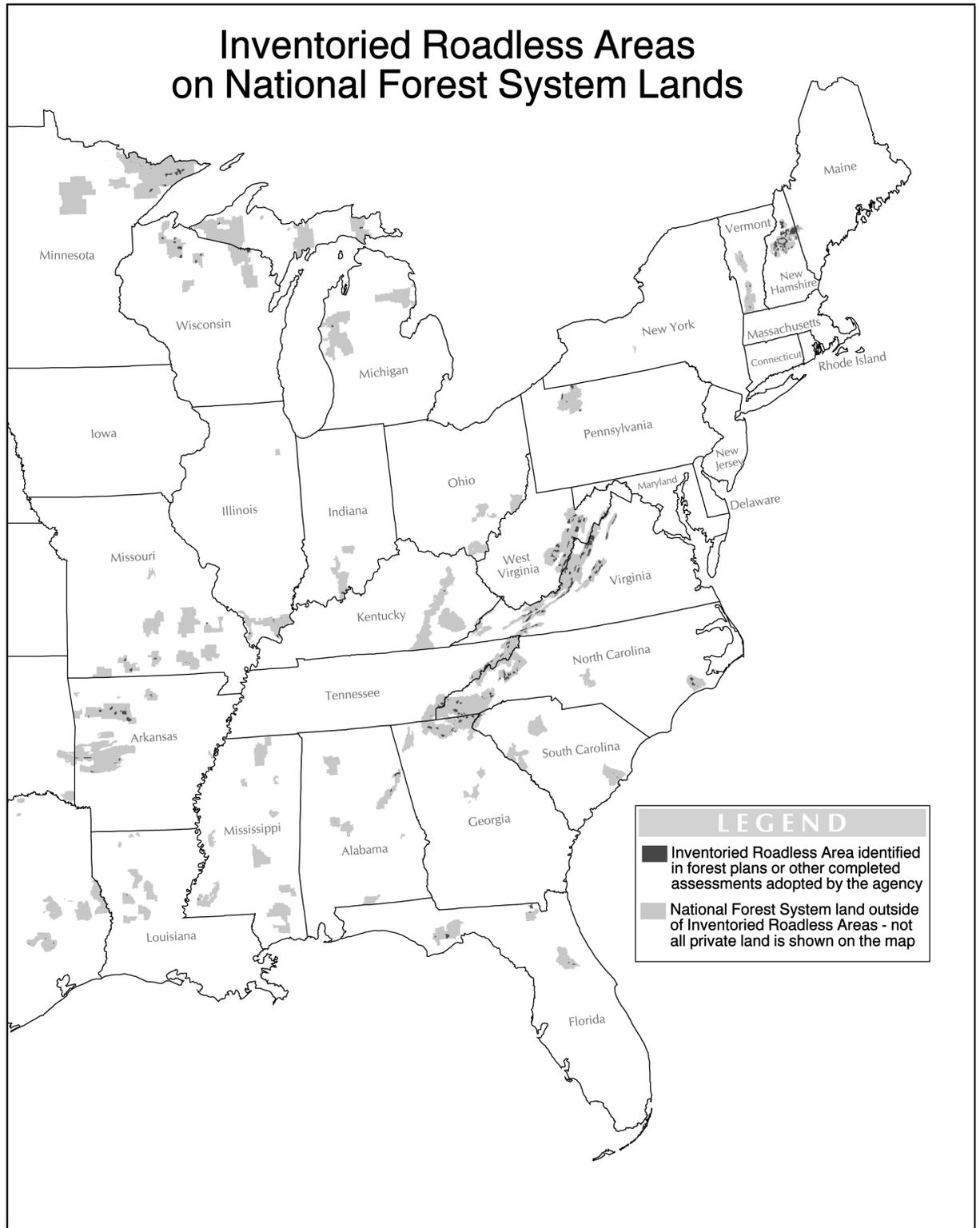


Figure S-1. Inventoried Roadless Areas on NFS Lands, Eastern United States.

In the 21 years since the completion of RARE II, Congress has designated some areas identified as Wilderness. Additional reviews have been conducted through the land and resource management planning process required by the National Forest Management Act (NFMA) of 1976, and other assessments. The current inventory is identified in Figure S-1.

In addition to these “inventoried” roadless areas, there are areas on NFS lands which were not identified in the inventories, but currently do not have classified roads¹. These “other unroaded areas” contain roadless characteristics similar to inventoried roadless areas, but are most often less than 5,000 acres in size and were therefore not inventoried.

There are approximately 54.3 million acres of inventoried roadless areas in the National Forest System, 2% of lands in the United States. Because some areas currently have management prescriptions that allow road building, roads have been constructed in approximately 2.8 million acres since the inventory boundaries were updated. The remaining 51.5 million acres make up the “unroaded portions of inventoried roadless areas” discussed in the proposed rule.

Over the past 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 activities that alter the areas’ roadless characteristics. Costly, lengthy appeals and litigation have accompanied virtually every attempt to enter these areas.

At the same time the national debate over roadless areas was raging, a similar debate ensued regarding “roaded” areas of the NFS. Due to lack of maintenance, the NFS road system has fallen into disrepair. The Forest Service currently has an \$8.4 billion maintenance and reconstruction backlog on its 386,000-mile road system and budget allocations have averaged less than 20% of funds needed to do annual maintenance. This lack of maintenance exacerbates the effects of roads on the environment and has led many people both within and outside the agency to question the wisdom of building new roads in sensitive areas when there is an inability to maintain existing roads.

Purpose, Need and Decision to Be Made _____

Given the importance of roadless areas for watershed and ecosystem health and the controversy surrounding the management of roadless areas, the agency has determined that there is a need for national level direction. The purpose of this action is: 1) to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, 2) to ensure that ecological and social characteristics of inventoried roadless and other unroaded areas are identified and considered through local forest planning efforts, and 3) to consider the unique social and economic situation of the Tongass National Forest.

¹ A road within the NFS planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads.

Given this purpose and need, the deciding official must review the proposed action and the other alternatives in order to make three decisions regarding roadless area conservation:

- 1) Should road construction, reconstruction, and/or timber harvest be prohibited in the unroaded portions of inventoried roadless areas?
- 2) Should the agency establish direction for local managers to consider roadless characteristics in inventoried roadless areas and other unroaded areas during project or forest planning?
- 3) Should the proposed national prohibition or procedure be applied to the Tongass National Forest or modified to meet the unique situation on the Tongass?

Public Involvement, Scope and Issues

The major issues related to this proposal are:

1. Public access in roadless areas
2. Identification of other unroaded areas
3. Exemptions for specific areas or activities
4. Environmental effects
5. Local involvement during decision-making
6. Effects on communities with strong natural resource affiliations (forest dependent communities)

These issues were used to develop the proposed action and other alternatives considered for this rulemaking.

On October 19, 1999, the agency published a Notice of Intent to prepare an environmental impact statement and to initiate a public rulemaking process (64 FR 56306). As part of the public involvement process (scoping), the agency conducted 10 regional and national public meetings and also held local meetings, which were hosted by the 127 national forest and grassland headquarters. Total attendance for all public meetings was approximately 16,000. The agency received over 360,000 written responses to the notice of

intent, including over 330,000 form letters, from individuals, groups, organizations, and other government agencies. Public comments on the Notice of Intent provided a variety of suggestions for alternatives, including different types and combinations of prohibitions, procedures and exemptions. A summary of the public's comments can be viewed at the roadless.fs.fed.us web site.

Alternatives Including the Proposed Action

The Notice of Intent for the proposed rule identified two possible methods, prohibitions and procedures, to conserve and protect the remaining inventoried roadless areas and other unroaded areas. The Notice of Intent also asked whether the rule should apply to the Tongass National Forest. Therefore, the Forest Service used the concepts of prohibitions, procedures and Tongass alternatives as the framework for the proposed rule and this supporting environmental analysis.

- **Prohibitions** refer to the activities that would not be allowed to occur in inventoried roadless areas.
- **Procedures** establish direction for local managers to use during planning to protect the unroaded portions of inventoried roadless areas and other unroaded areas.
- **Tongass Alternatives** refer to the alternative methods of applying the prohibitions and procedures on the Tongass National Forest.

Alternatives Considered in Detail

The following section describes three action alternatives that would prohibit certain activities in inventoried roadless areas, three action alternatives for procedures to protect the characteristics of the unroaded portions of inventoried roadless areas and other unroaded areas, and an additional three action alternatives for applying the prohibitions and procedures to the Tongass National Forest. Each of these sets of alternatives also includes a no action alternative. The no action alternative represents no change from current policy. The no action alternative also provides a baseline for comparing the effects of the action alternatives.

- **Inventoried roadless areas.** The mapped inventoried roadless areas found in Volume II of the DEIS and at the roadless.fs.fed.us web site are the inventoried roadless areas used in this analysis. These areas were identified using various forest planning and assessment processes, including RARE II. The criteria used for RARE II allowed some areas with roads to be inventoried as “roadless.” Therefore, some roadless areas contain these pre-inventory roads.
- **Unroaded portions of inventoried roadless areas.** After the inventories were completed, some inventoried roadless areas 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 inventoried roadless areas that have not been roaded since the area was inventoried. Throughout this document, these unroaded areas are referred to as the “unroaded portions of inventoried roadless areas.”
- **Unroaded areas.** Unroaded areas are those 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. They are referred to as “other unroaded areas” in this document.

The alternatives are grouped into prohibitions, procedures, and those unique for the Tongass. The deciding official must select one alternative from the prohibitions and one alternative from the procedures. If the deciding official chooses not to apply the selected prohibition and procedural alternatives to the Tongass National Forest, then the deciding official would choose one of the Tongass alternatives. Following public review and comment on the DEIS, and any necessary modifications disclosed in the Final EIS, the

final decision could be based on any combination of these prohibitions, procedures, and Tongass alternatives.

Prohibition Alternatives

The Prohibition Alternatives refer to the activities that would not be allowed to occur in the unroaded portions of inventoried roadless areas. Several standard exceptions to the prohibitions would apply equally to all action alternatives.

As stated in the proposed rule, the responsible official may authorize road construction or reconstruction in any inventoried roadless area when:

- A road is needed to protect public health and safety in cases of an 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.

The following describes the four prohibition alternatives considered in detail in the DEIS.

Alternative 1 – No Action; No Prohibitions

No rule prohibiting activities in inventoried roadless areas would be issued. Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action. Future proposals for road construction and reconstruction would be considered on a case-by-case basis at the project level where allowed by current land management plans.

Alternative 2 –Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas

Proposed Action and Preferred Alternative

Road construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas. Road reconstruction activities are those that contribute to the alteration or expansion of a road resulting in realignment, improvement, or rebuilding. Examples of reconstruction activities include, but are not limited to: 1) expansion of a road to increase its capacity (number of lanes, higher speeds, number of vehicles), 2) change the original design function (from fire access to developed recreation site access), or 3) increase its traffic service level (from high clearance pickup to low clearance passenger car). These prohibitions would become effective upon implementation of the final rule.

Alternative 3 – Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes within Unroaded Portions of Inventoried Roadless Areas

Road construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas.

Timber harvest would be prohibited in the unroaded portions of inventoried roadless areas except when specifically designed for stewardship purposes. Stewardship-purpose timber sales are sales created to achieve desired ecological conditions that require manipulating the existing vegetation, for example, thinning overly dense stands of trees so that fire may be safely reintroduced. Objectives that would be consistent with stewardship include:

- Restoring an area to historic ecological conditions;
- Improving the vigor of residual trees to withstand insects, disease, and wind;
- Reducing excessive forest fuels through thinning;
- Restoring ecological features and processes such as fire into an ecosystem; and
- Creating desired wildlife habitat conditions.

Road construction in support of these activities would not be allowed. Commodity-purpose timber sales, sales with the primary purpose of supplying timber in response to society's demand for wood, also would not be allowed. Personal use harvest including firewood and Christmas tree cutting would be allowed. These prohibitions would become effective upon implementation of the final rule.

Alternative 4 – Prohibit Road Construction, Reconstruction and All Timber Harvest within Unroaded Portions of Inventoried Roadless Areas

Road construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas.

All timber harvest activities associated with removal of trees would be prohibited in the unroaded portions of inventoried roadless areas. Timber harvest would not be allowed for commodity or stewardship purposes. Personal use harvest including firewood and Christmas tree cutting would be allowed. These prohibitions would become effective upon implementation of the final rule.

Procedural Alternatives

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. The roadless characteristics considered are:

- Soil, water, and air;
- Sources of public drinking water;

- Diversity of plant and animal communities;
- Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation;
- Reference landscapes for research, study or interpretation;
- Landscape character and scenic integrity;
- Traditional cultural properties and sacred sites; and
- Other locally identified unique characteristics.

Procedures would apply to both the unroaded portions of inventoried roadless areas and other unroaded areas. These “other unroaded areas” will be determined through public involvement by the local manager who will weigh the answers to a number of questions including:

- Is the area of a sufficient size, shape and position within the landscape to achieve long-term conservation of roadless characteristics?
- Are areas with roadless characteristics scarce?
- What is the appropriate use for the roadless area?

The procedures do not mandate a specific land use; instead, they establish direction for forest and grassland managers to consider roadless area characteristics during land management or project planning to decide whether and how the characteristics should be protected. Simply stated, in some cases, the local manager may determine that the roadless characteristics found in an inventoried roadless or other unroaded area warrant protection, and decide to restrict certain activities to conserve those characteristics. In other areas, the manager may consider the roadless characteristics, but decide that due to other factors, activities, which would reduce the value of these characteristics, may occur. In essence, the local manager determines what activities are appropriate in an area. Such determinations would be constrained in inventoried roadless areas, however, by a prohibition alternative if one were selected in the final rule.

The following describes the four procedural alternatives considered in detail for this analysis.

Alternative A - No Action; No Procedures

No procedures would be established directing local managers to evaluate the quality and importance of roadless area characteristics during local planning. Consideration of roadless characteristics and values could occur through either forest plan revisions or the environmental analysis process (NEPA) on a project-by-project basis when raised as an issue.

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 on:

- The unroaded portions of the 54 million acres of inventoried roadless areas.
- Unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

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.

Alternative C - Project-by-Project Analysis

Local managers would evaluate whether and how to protect roadless characteristics on a project-by-project basis. The evaluation would be applied to all projects and activities on NFS lands that are considered through an environmental analysis in compliance with NEPA. The evaluation would not include projects proposed to occur on NFS lands that have congressional designations such as Wilderness and Wild and Scenic Rivers. The local manager would evaluate the impacts of proposed projects and activities on roadless characteristics. This alternative would become effective upon implementation of the final rule.

Alternative D - Project-by-Project Analysis as Transition to Forest Planning Process at Next Plan Revision

This alternative requires consideration of roadless characteristics on a project-by-project basis until completion of a plan revision. It combines Alternative B, Forest Planning Process Implemented at Next Forest Plan Revision, and Alternative C, Project-by-Project Analysis. The project-by-project evaluation would be applied to all projects and activities on NFS lands that are considered through an environmental analysis in compliance with NEPA. The evaluation would not include projects proposed to occur on NFS lands that have congressional designations such as Wilderness and Wild and Scenic Rivers. The local manager would evaluate the impacts of proposed projects and activities on the roadless characteristics.

At the time of plan revision, local managers would evaluate whether and how to protect roadless characteristics, in the context of multiple use management, on:

- The unroaded portions of the 54 million acres of inventoried roadless areas.
- Unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

During plan revision the local manager would evaluate the quality and importance of the above characteristics to determine their relative contribution to the conservation of

roadless areas and determine whether and how the characteristics should be protected. This alternative would take effect following implementation of the Final Rule.

Tongass National Forest Alternatives

The following describes four unique alternatives for the Tongass National Forest. They are modifications of the prohibition and procedural alternatives described earlier in this chapter. It is important to understand that the prohibition alternatives (Alternatives 1-4) and procedure alternatives (Alternatives A-D) previously described could also be applied to the Tongass. Those alternatives are not included in this section because it would be duplicative of alternatives already described. If the deciding official chooses to apply the prohibition and procedural alternatives to the Tongass, the deciding official would not choose one of the following alternatives.

Alternative T1: No Action; No Prohibitions or Procedures Applied to the Tongass National Forest

No rule for roadless area conservation would be applied to the Tongass National Forest. Road construction and reconstruction would continue to be prohibited only where land management plan prescriptions prohibit such action. Future proposals for road construction and reconstruction would be considered on a case-by-case basis at the project level where allowed by the current land management plan. Consideration of roadless characteristics and values would occur through either forest plan revision or the environmental analysis process (NEPA) on a project-by-project basis when raised as an issue. Under this alternative, land management would continue as outlined in the 1999 Record of Decision for the Tongass Land Management Plan (TLMP).

Alternative T2: No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas As Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim.

Upon implementation of the final rule, this alternative would require consideration of roadless characteristics on a project-by-project basis. The project-by-project evaluation would be applied to all projects and activities on the Tongass National Forest that are considered through an environmental analysis in compliance with NEPA. The evaluation would not include projects proposed to occur on Tongass National Forest lands that have congressional designations such as Wilderness and Wild and Scenic Rivers. The local manager would evaluate the impacts of proposed projects and activities on roadless characteristics.

At the time of the 5-year review of the April 1999 revised TLMP, the Forest Supervisor would determine whether the road construction and reconstruction prohibitions should apply to any or all of the unroaded portions of inventoried roadless areas on the Tongass National Forest. In making that determination, the Forest Supervisor must consider, among other things, the provisions of section 101 of the Tongass Timber Reform Act. A forest plan amendment or revision would be initiated, including full opportunity for public

involvement, if the responsible official determines that the prohibitions should apply to some or all of the unroaded portions of inventoried roadless areas on the Tongass.

The Tongass National Forest Supervisor would also evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during the Tongass Forest Plan revision on:

- The unroaded portions of inventoried roadless areas.
- Unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

During plan revision, the Forest Supervisor 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 is a modification of prohibition Alternative 2, Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas, and procedural Alternative D, Project-by-Project Analysis as Transition to Forest Planning Process at Next Plan Revision. This alternative effectively becomes implemented following implementation of the Final Rule.

Alternative T3: No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas As Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision

Proposed Action and Preferred Alternative

At the time of the 5-year review of the April 1999 revised TLMP, the Forest Supervisor would determine whether the road construction and reconstruction prohibitions should apply to any or all of the unroaded portions of inventoried roadless areas on the Tongass National Forest. In making that determination, the Forest Supervisor must consider, among other things, the provisions of section 101 of the Tongass Timber Reform Act. A forest plan amendment or revision would be initiated, including full opportunity for public involvement, if the responsible official determines that the prohibitions should apply to some or all of the unroaded portions of inventoried roadless areas on the Tongass. The Tongass National Forest Supervisor would also evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during the Tongass Forest Plan revision on:

- The unroaded portions of inventoried roadless areas.
- Unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

During plan revision, the Forest Supervisor 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.

Roading and timber harvest within inventoried roadless and other unroaded areas would continue as outlined in the 1999 Record of Decision for the Tongass Land Management Plan until a determination is made on whether or not to apply the prohibitions during the 5-year plan review and/or the Forest-wide evaluation of roadless area characteristics is completed.

This alternative is a modification of prohibition Alternative 2, Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas, and procedural Alternative B, Forest Planning Process at Next Forest Plan Revision. This alternative effectively becomes implemented at the time of the 5-year plan review.

Alternative T4: Prohibit Road Construction and Reconstruction in Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II Prescriptions within Inventoried Roadless Areas

Road construction and reconstruction activities including temporary road construction would be prohibited only within the unroaded portions of inventoried roadless areas in the Old Growth, Semi-remote Recreation, Remote Recreation, and LUD II land use designations. This alternative is a modification of Alternative 2, Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas. A complete description of the goals, objectives, and desired future condition for these land use designations can be found in Appendix E of the DEIS or in the Tongass Land Management Plan, Chapter 3- Management Prescriptions.

Proposed Action and Preferred Alternative

The Proposed Action and Preferred Alternative is the same as the proposed Roadless Area Conservation Rule contained in Appendix A. It incorporates:

- Prohibition Alternative 2--Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas
- Procedural Alternative B—Forest Planning Process Implemented at Next Forest Plan Revision
- Tongass Alternative T3—No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas As Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision

Road construction and reconstruction activities including temporary road construction would be prohibited in the unroaded portions of inventoried roadless areas². These prohibitions would become effective upon implementation of the final rule. Roads

² This would apply to 43 million acres of the 54 million acre total of inventoried roadless areas. This difference is due to the estimated 2.8 million acres that have been roaded since these areas were inventoried and the 8.5 million acres of inventoried roadless areas in the Tongass National Forest that are excluded from this prohibition under the preferred alternative.

required for valid existing rights, public health and safety, response actions needed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), would not be prohibited. Road realignment needed to prevent irreparable resource damage caused by the road that is deemed essential for access, management, or public health and safety, would be allowed.

In addition to implementing the prohibitions, local managers would recognize the role of local forest decisionmaking for management of:

- The unroaded portions of the 54 million acres of inventoried roadless areas; and
- Smaller or uninventoried unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

Local decisionmakers 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. For smaller uninventoried unroaded areas, the responsible official would evaluate the quality and importance of their characteristics, select those to be protected, and determine the level of protection through the forest planning process. Local officials' discretionary decisions would be informed by their evaluation of the quality and importance of the following characteristics and determine whether these characteristics should be protected:

- Soil, water, and air;
- Sources of public drinking water;
- Diversity of plant and animal communities;
- Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation;
- Reference landscapes for research, study or interpretation;
- Landscape character and scenic integrity;
- Traditional cultural properties and sacred sites; and
- Other locally identified unique characteristics.

These planning procedures would effectively become implemented on each forest and grassland at the time of plan revision.

The Tongass National Forest would determine whether the prohibition against road construction and reconstruction should apply to any or all of the unroaded portions of inventoried roadless areas on the Tongass. In making that determination, the responsible official must consider, among other things, the provisions of section 101 of the Tongass Timber Reform Act. This section, amending Section 705 of the Alaska National Interest Lands Conservation Act, requires the agency to seek to provide a supply of timber from the Tongass National Forest that meets market demand, consistent with providing for the multiple use and sustained yield of all renewable resources, subject to appropriations, other applicable laws, and requirements of the National Forest Management Act of 1976. The responsible official's evaluation would be

conducted in association with the 5-year review (beginning in April, 2004) of the April 1999 Tongass Land and Resource Management Plan, pursuant to 36 CFR 219 (10)(g). A forest plan amendment or revision would be initiated, including full opportunity for public involvement, if the responsible official determines that some or all of the inventoried roadless areas on the Tongass National Forest merit the protection provided by the road construction prohibition.

The Tongass would also evaluate whether and how to protect roadless characteristics, in the context of multiple use management, during the TLMP revision on:

- The unroaded portions of inventoried roadless areas.
- Smaller or uninventoried unroaded areas (other than inventoried roadless areas) that the local manager determines are of a sufficient size, shape and position to reasonably be able to conserve its roadless characteristics.

Roading and timber harvest within inventoried roadless and other unroaded areas would continue as outlined in the 1999 Record of Decision for the Tongass Land Management Plan until a determination is made on whether or not to apply the prohibitions during the 5-year plan review and/or the Forest-wide evaluation of roadless area characteristics is completed.

In addition, during plan revision, the Forest Supervisor 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.

Alternatives Considered But Eliminated from Detailed Study

Various components of alternatives such as mitigation, geographical scope, and exemptions or exclusions for specific roadless areas have been suggested during the public involvement process. Addressing each of these components individually would create an unmanageable number of alternatives—a number so large as to result in a comparison of alternatives that would not be helpful to the decision maker or public. Also, components may have been outside the scope of providing protection for roadless areas, duplicative of the alternatives considered in detail, or determined to be components that would cause unnecessary environmental harm.

Therefore, a number of components for alternatives were considered but dismissed from detailed consideration for reasons summarized below and described in detail in Chapter 2 of the DEIS. This array of components can be organized into categories for ease of discussion and presentation: 1) alternative processes other than rulemaking for attaining the purpose of this action, 2) alternative land use designations, 3) alternative prohibitions applicable to inventoried roadless areas, 4) alternative geographical definitions of roadless areas, and 5) alternative exemptions.

Alternative Processes Other Than Rulemaking

Alternatives were suggested for accomplishing the purpose of this proposal other than through a rulemaking process, such as use of an executive order, use of the existing Forest planning process, reliance on the existing project planning process, and enactment of legislation.

Designating Land Use Designations

A number of alternatives were considered that would designate inventoried roadless areas to prescriptions such as primitive recreation, semi-primitive recreation, limiting the amount of roads, access for fire suppression only, fully available for development, research natural areas, national monuments, and wilderness.

Alternative Sets Of Prohibitions Applicable to Inventoried Roadless Areas

A list of possible prohibitions could include off-highway vehicles, rights-of-ways, grazing, special uses, developed recreation, trails, mining, and other uses in addition to road construction, reconstruction and timber harvesting. Another possibility is the closure or decommissioning of all roads in inventoried roadless areas.

Alternative Geographical Definitions of Unroaded Areas

Alternative size criteria were suggested including 300 acres, 500 acres, 1000 acres and 5,000 acres.

Alternative Durations for Applying Prohibitions

A few suggestions were offered for alternative durations for applying prohibitions including one-year, an 18-month period similar to the Interim Roads Rule, and a temporary prohibition until forest and grassland plans are revised or amended to address the management of roadless areas.

Alternative Exemptions

The number of potential exemptions or inclusions is inexhaustible and could include consideration of many specific roadless areas. Examples include exempting the Tongass National Forest, other national forests and grasslands where their land management plan revisions are complete, and national forests exempted under the Interim Roads Rule³. In addition, certain activities could be exempted.

³ This final interim rule was published as 36 CFR Part 212 Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas; Interim Rule, February 12, 1999 (64 FR 7290).

Comparison of Alternatives

This section compares the prohibition alternatives (Table S-1), procedural alternatives (Table S-2), Tongass National Forest alternatives (Tables S-3), and summarizes the effects of the Proposed Action (Table S-4) based on the information presented in Chapters 2 and 3 of the DEIS. It focuses on areas or resources where effects are actually expected to occur and where different levels of effects or outputs can be distinguished among alternatives. It is not intended to be an all-inclusive statement of the environmental consequences.

Table S-1. Comparison of Key Characteristics and Effects by Prohibition Alternative. *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	Alternative 1 No Action; No Prohibitions	<u>Proposed Action and Preferred Alternative</u> Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas	Alternative 3 Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes Within Unroaded Portions of Inventoried Roadless Areas	Alternative 4 Prohibit Road Construction, Reconstruction, and All Timber Harvest Within Unroaded Portions of Inventoried Roadless Areas
Roadless Areas with Permanent Prohibition on Road Construction and Reconstruction (acres)	0	51,471,000 This does not include the estimated 2,856,000 acres already roaded and developed.		
Roadless Areas with Permanent Prohibition on Timber Harvest (acres)	0	0	Commodity purpose timber harvest would be prohibited. Stewardship timber harvest not requiring road construction or reconstruction would continue.	51,471,000 This does not include the estimated 2,856,000 acres already roaded and developed.
Timber Related Road Construction and Reconstruction Planned In Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (miles)	806	0		
Non-Timber Related Road Construction and Reconstruction Planned In Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (miles)	638	368 This includes those roads required for public health and safety, reserved and outstanding rights such as access to private property and mining claims, and other exceptions.		
Total 5 Year Timber Volume Offered Nationally During Fiscal Years 2000 to 2004 (million board feet, MMBF)	16,500	15,700 800 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas.	15,500 1,000 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas.	15,400 1,100 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas.

Table S-1. Comparison of Key Characteristics and Effects by Prohibition Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	Alternative 1 No Action; No Prohibitions	<u>Proposed Action and Preferred Alternative</u> Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas	Alternative 3 Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes Within Unroaded Portions of Inventoried Roadless Areas	Alternative 4 Prohibit Road Construction, Reconstruction, and All Timber Harvest Within Unroaded Portions of Inventoried Roadless Areas
Total 5 Year Timber Volume Offered From Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (million board feet, MMBF)	1,100	300	100	0
Annual National Timber Related Employment From NFS Timber Harvest (timber-related jobs per year)	27,000	26,470 530 timber-related jobs lost from reduction in timber harvest in inventoried roadless areas.	26,260 740 timber-related jobs lost from reduction in timber harvest in inventoried roadless areas.	26,180 820 timber-related jobs lost from reduction in timber harvest in inventoried roadless areas.
Annual Payments to States from Timber Receipts (million dollars per year)	\$135.0	\$132.4 (-\$2.6)	\$131.2 (-\$3.8)	\$130.7 (-\$4.3)
Agency Costs	Overall agency costs will continue at current levels.	Prohibiting road construction would reduce future maintenance costs for roads that might have been built. Forest health treatments may be more costly in inventoried roadless areas. No additional planning costs would be incurred, although savings in appeals and litigation costs related to inventoried roadless area management are anticipated. Overall agency costs are expected to remain the same.		

Table S-1. Comparison of Key Characteristics and Effects by Prohibition Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	Alternative 1 No Action; No Prohibitions	<u>Proposed Action and Preferred Alternative</u> Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas	Alternative 3 Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes Within Unroaded Portions of Inventoried Roadless Areas	Alternative 4 Prohibit Road Construction, Reconstruction, and All Timber Harvest Within Unroaded Portions of Inventoried Roadless Areas
Annual Forest Health Treatments Associated with Timber Volume Offered in Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (acres)	94,000	40,000	14,000 Fewer acres would be treated than in Alternative 2 due to lower timber harvest revenues which help fund these activities; lack of roads results in higher costs/acre, which makes some sales financially infeasible.	0
Inventoried Roadless Areas At Risk From Catastrophic Fire (acres)	Approximately 8 million acres at high risk and 14 million acres at moderate risk. About 3 million acres of those high risk and 7 million acres of moderate risk acres in the West need some form of fuels treatment to reduce the risk to acceptable management levels. Over the next 5 years, proposed treatments through timber sales total less than 1% of the acres needing treatment. Inventoried roadless areas would receive a low priority for fuels treatment unless there was an imminent threat to public safety or private property. Fire risk is not an issue for the Tongass National Forest.			
Dispersed Recreation	Land base for dispersed recreation activities would decline in the future.	Land base would be maintained to meet increasing demands for dispersed recreation activities.		
Developed Recreation	Development will continue consistent with existing policies and management direction.	Opportunities for future developed recreation would decline, which may cause additional impacts on existing developed and road dependent recreation.		
Locatable and Leasable Minerals	No change from current management policies.	Prohibiting road construction may reduce exploration and development activity in response to higher access costs. It may preclude future mineral leasing when reliant on road access.		

Table S-1. Comparison of Key Characteristics and Effects by Prohibition Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	Alternative 1 No Action; No Prohibitions	<u>Proposed Action and Preferred Alternative</u> Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas	Alternative 3 Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes Within Unroaded Portions of Inventoried Roadless Areas	Alternative 4 Prohibit Road Construction, Reconstruction, and All Timber Harvest Within Unroaded Portions of Inventoried Roadless Areas
Hunting And Fishing Opportunity In Inventoried Roadless Areas	Quality and quantity of opportunities potentially reduced by loss or degradation of habitat for some game species.	Maintains current quality of roadless hunting and fishing opportunities. Protects habitat important for some game species, particularly for those sensitive to human disturbance, or those with large home ranges.		
Impacts to to Designated or Potential Wilderness	Rooding in inventoried roadless areas may increase threats to wilderness values.	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.		
Watershed Resources	Localized, short-term water quantity changes likely, water quality decrease likely, increased risk of mass wasting and erosion.	Substantial benefits due to reduced roading and timber harvest. Limited local short-term quantity change, small water quality decrease, small risk of mass wasting and erosion.	Very limited localized short-term quantity change, very small water quality change, very small risk of mass wasting or erosion.	Water quantity near undisturbed levels; water quality, mass wasting, erosion same as Alternative 3.
Air Resources	Risk of gradual air quality deterioration from dust, smoke and emissions associated with road construction, reconstruction, and use.	Lower risk of air quality deterioration from dust, smoke and emissions.		Lower risk of gradual air quality deterioration from dust, smoke and emissions. Increased risk relative to Alternatives 1, 2, and 3 from wildfire smoke due to inability to mechanically reduce fuels.

Table S-1. Comparison of Key Characteristics and Effects by Prohibition Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	Alternative 1 No Action; No Prohibitions	<u>Proposed Action and Preferred Alternative</u> Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas	Alternative 3 Prohibit Road Construction, Reconstruction, and Timber Harvest Except for Stewardship Purposes Within Unroaded Portions of Inventoried Roadless Areas	Alternative 4 Prohibit Road Construction, Reconstruction, and All Timber Harvest Within Unroaded Portions of Inventoried Roadless Areas
Biological Diversity	Greatest risk from roading and ground disturbance; highest potential for increased fragmentation, loss of connectivity, introduction of non-native invasive species, habitat degradation and disruption; least acres protected.	Substantial benefits due to reduced level of human disturbance activities and increased conservation of important fish, wildlife, and plant habitats.	Somewhat lower potential for ground disturbance relative to Alternative 2, but effects not substantially different given relatively small difference in projected timber offer volume.	Lowest levels of ground disturbance and habitat disruption, but effects essentially the same as Alternative 3. Limited potential for localized adverse effects from restriction on stewardship harvest, but not detectable at national scale.
Threatened, Endangered, And Proposed (TEP) Plant and Animal Species Protected	Greatest potential loss of habitat and adverse effects to species from highest level of road construction and ground disturbance.	Substantial benefits to nearly 200 TEP species with habitat in or affected by inventoried roadless areas. Substantially reduced risk relative to Alternative 1.	Slightly reduced risk relative to Alternative 2, with less ground disturbance and habitat disruption.	Least amount of ground disturbance, but effects essentially the same as Alternatives 2 and 3. Limited potential for adverse localized effects due to prohibition on stewardship harvest.
Non-native Invasive Species (NIS)	Greatest risk for increased introduction and establishment of NIS from road construction and use, and other associated ground disturbance.	Substantially reduced relative risk with prohibition on road construction.	Slightly less ground disturbance than Alternative 2, but effects not substantially different given relatively small difference in projected timber offer volume.	Slightly less ground disturbance than Alternative 2 and 3; greatest relative degree of protection against future introduction and establishment of NIS.

Table S-2. Comparison of Key Characteristics and Effects by Procedural Alternative. *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas and other unroaded areas throughout the entire National Forest System, including the Tongass National Forest.*

	Alternative A No Action; No Procedures	<u>Proposed Action and Preferred Alternative</u> Alternative B Forest Planning Process Implemented at Next Forest Plan Revision	Alternative C Project-by-Project Analysis	Alternative D Project-by-Project Analysis As Transition to Forest Planning Process at Next Plan Revision
Activities Requiring Analysis for Impacts to Roadless Characteristics	None	All proposed activities within unroaded portions of inventoried roadless areas and other unroaded areas would be analyzed for impacts to roadless characteristics.		
Likelihood of Maintaining Roadless Characteristics and Values	Greatest potential for loss of roadless characteristics and values, since they receive no special consideration.	Potential for loss of roadless characteristics and values prior to Plan Revision, but provides greater assurances than Alternative C that areas will be considered in a broader landscape context.	Immediate consideration of roadless characteristics and values lowers risk of loss, but potential exists for missing larger scale context since analysis is done project-by-project.	Lowest risk of loss of roadless characteristics and values, due to immediate project-by-project consideration, and during Forest Plan Revision.

Table S-3. Comparison of Key Characteristics and Effects by Tongass National Forest Alternative. *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas and other unroaded areas throughout the Tongass National Forest.*

Issue, Objective, or Measure	Alternative T1 No Action; No Prohibitions or Procedures Applied on the Tongass National Forest	Alternative T2¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim.	<u>Proposed Action and Preferred Alternative</u> Alternative T3¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision.	Alternative T4 Prohibit Road Construction and Reconstruction in the Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II Designations Within Inventoried Roadless Areas
Total 5 Year Timber Volume Offered by the Tongass National Forest During Fiscal Years 2000 to 2004 (million board feet MMBF)	839 (Of which 539 MMBF would be offered from inventoried roadless areas).	Depending on local decisions, less volume could be offered compared to Alternative T1 in both the short-term and long-term; in the long-term could result in less volume than Alternative T4.	Depending on local decisions, less volume could be offered in the long-term compared to Alternative T1; no noticeable difference in the first 5 years.	598 (Of which 384 MMBF would be offered from inventoried roadless areas).
Annual Timber Related Employment From Tongass National Forest Timber Harvest (timber-related jobs per year)	616	Depending on local decisions, there could be fewer timber related jobs than Alternatives T1 or T4.		482 (134 timber jobs lost from reduction in timber harvest in inventoried roadless areas).
Annual Payments to State from Timber Receipts (million dollars per year)	\$2.7	Depending on local decisions, payments to Alaska in both short-term and long-term, could be less than Alternative T1. In the long-term payments to Alaska could be less than Alternative T4.	Depending on local decisions, there could be less payment to the State in the long-term than Alternative T1; payments to the State may be greater than Alternative T4 in the long-term; no noticeable difference in the first 5 years..	\$2.2

¹ The actual incremental effects of implementing the procedures are not measurable because it is not known at this time what projects would be proposed or evaluated, what decisions would be made, or what mitigation measures would be employed by local managers to conserve roadless characteristics. Comparisons in the table that involve alternatives with procedures should be considered in this context.

Table S-3. Comparison of Key Characteristics and Effects by Tongass National Forest Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas and other unroaded areas throughout the Tongass National Forest.*

Issue, Objective, or Measure	Alternative T1 No Action; No Prohibitions or Procedures Applied on the Tongass National Forest	Alternative T2¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim.	<u>Proposed Action and Preferred Alternative</u> Alternative T3¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision.	Alternative T4 Prohibit Road Construction and Reconstruction in the Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II Designations Within Inventoried Roadless Areas
Agency Costs	Overall agency costs will continue at current levels.	Depending on local decisions, there may be reduced future road maintenance costs. Additional planning costs for plan revision may be incurred, and for project analyses in Alternative T2.		Will reduce future maintenance costs for roads that would have been built. No additional planning costs would be incurred; some savings in appeals and litigation costs related to inventoried roadless area management are anticipated.
Dispersed Recreation and Scenic Quality	Land base available for dispersed recreation activities and maintaining high scenic quality would continue to decline incrementally.	Depending on local decisions, there could be more land available for dispersed recreation and more land with high scenic quality than Alternative T1.		Compared to Alternative T1, more land would be available for dispersed recreation and high scenic quality in the 4 land use designations. In other land use designations, conditions would be the same as Alternative T1.
Developed Recreation	Development will continue consistent with existing policies and management direction.	Depending on local decisions, opportunities for new recreation sites could be reduced from Alternative T1.		Would likely reduce recreational development opportunities in the 4 land use designations.
Locatable and Leasable Minerals	No effect to current programs.	Prohibiting road construction may reduce exploration and development activity in response to higher access costs. It may preclude future mineral leasing when reliant on road access.		

Table S-3. Comparison of Key Characteristics and Effects by Tongass National Forest Alternative. (cont.) *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas and other unroaded areas throughout the Tongass National Forest.*

<p>Issue, Objective, or Measure</p>	<p>Alternative T1 No Action; No Prohibitions or Procedures Applied on the Tongass National Forest</p>	<p>Alternative T2¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim.</p>	<p><u>Proposed Action and Preferred Alternative</u> Alternative T3¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision.</p>	<p>Alternative T4 Prohibit Road Construction and Reconstruction in the Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II Designations Within Inventoried Roadless Areas</p>
<p>Hunting And Fishing Opportunity in Inventoried Roadless Areas</p>	<p>Quality and quantity of opportunities are potentially reduced by loss or degradation of habitat that could affect commercial, recreational and subsistence species; among the alternatives, has the greatest potential to increase human competition for subsistence species.</p>	<p>May provide the best opportunity among alternatives to consider actions that provide high value habitat for sustainable harvests and a variety of hunting and fishing opportunities.</p>	<p>As compared to Alternative T1 and Alternative T4, provides better opportunity to consider actions in roadless areas to provide high value habitat for sustainable harvests as well as a variety of hunting and fishing opportunities. May not be as effective as Alternative T2 since extensive roading of roadless areas may occur in the short-term before the next plan revision process is completed.</p>	<p>Compared to Alternative T1, maintains hunting, fishing, and subsistence opportunities in the 4 land use designations. Opportunities in other land use designations will likely decline incrementally over time.</p>
<p>Watershed Resources</p>	<p>Localized, short-term water quality decrease likely; increased risk of soil loss, mass wasting, and sedimentation. Some increased risk of lost soil productivity.</p>	<p>Depending on local decisions, there could be less impacts to water quality, soil loss, mass wasting, sedimentation, and soil productivity compared to Alternative T1. Long-term impacts could be less than Alternative T4. Alternative T2 is expected to have fewer impacts in the short term, since Alternative T3 would have more intensive activities in the first 5 years.</p>		<p>Compared to Alternative T1, provides less risk in 4 land use designations; does not provide as much opportunity to reduce impacts as Alternative T2 and T3.</p>

Table S-3. Comparison of Key Characteristics and Effects by Tongass National Forest Alternative. (cont.). *The effects summarized in this table would occur on the unroaded portions of inventoried roadless areas and other unroaded areas throughout the Tongass National Forest.*

Issue, Objective, or Measure	Alternative T1 No Action; No Prohibitions or Procedures Applied on the Tongass National Forest	Alternative T2¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim.	<u>Proposed Action and Preferred Alternative</u> Alternative T3¹ No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision.	Alternative T4 Prohibit Road Construction and Reconstruction in the Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II Designations Within Inventoried Roadless Areas
Air Resources	No Class I air quality areas are located near any of the inventoried roadless areas on the Tongass National Forest.			
Impacts to Wilderness from Management Decisions on Adjacent Inventoried Roadless Areas	Rozing in inventoried roadless areas could increase threats to wilderness values in adjacent Wilderness areas.	Depending on local decisions, has highest likelihood of reducing threats to wilderness values by reducing development in lands adjacent to Wilderness.	Depending on local decisions, has a higher likelihood of reducing long-term threats than Alternative T1 and Alternative T4 by reducing risk posed by activities in adjacent development land use designations; higher short-term risk than Alternative T2 as roading can continue in the short-term transition period.	May slightly reduce threat to wilderness value since the four land use designations where prohibitions would apply are frequently adjacent to wilderness areas. Reduction is expected to be minimal however as roading in portions of these four land use prescriptions that are adjacent to wilderness is highly unlikely.
Biological Diversity; Threatened, Endangered, And Proposed (TEP) Plant and Animal Species Protected	Greatest risk relative to all other alternatives from roading and ground disturbance; highest potential for increased fragmentation, loss of connectivity, habitat degradation and disruption; least acres protected.	Depending on local decisions, impacts could be reduced compared to Alternative T1. Long-term impacts could be less than Alternative T4. Alternative T2 is expected to have fewer impacts in the short term, since Alternative T3 would have more intensive activities in the first 5 years.		Compared to Alternative T1, provides less risk in 4 land use designations; does not provide as much opportunity to reduce impacts as Alternative T2 and T3.

Table S-4. Summary of the Combined Effects of the Proposed Action. *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas and other unroaded areas throughout the entire National Forest System, including the Tongass National Forest.*

<p>Issue, Objective, or Measure</p>	<p>No Action Alternatives 1,A,T1 (Included for Comparison)</p>	<p>Alternative 2 Prohibit Road Construction and Reconstruction Within Unroaded Portions of Inventoried Roadless Areas</p>	<p>Alternative 2 Plus Alternative B Forest Planning Process Implemented at Next Forest Plan Revision</p>	<p><u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3 No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas As Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision</p>
<p>Roadless Areas with Permanent Prohibition on Road Construction and Reconstruction (acres)</p>	<p>0</p>	<p>51,471,000 Acreage does not include the estimated 2,856,000 acres already roaded and developed.</p>	<p>51,471,000 Acreage does not include the estimated 2,856,000 acres already roaded and developed. Procedures do not directly result in any additional acreage under prohibitions.</p>	<p>42,991,000 Acreage does not include the estimated 2,856,000 acres already roaded and developed. Procedures do not directly result in any additional acreage under prohibitions. Prohibitions would not be applied on the 8,480,000 acres of inventoried roadless area on the Tongass National Forest.</p>
<p>Timber Related Road Construction and Reconstruction Planned In Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (miles)</p>	<p>806</p>	<p>0</p>	<p>0</p>	<p>512 Road construction would not be prohibited in inventoried roadless areas on the Tongass National Forest.</p>

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.) *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	No Action Alternatives 1,A,T1 (Included for Comparison)	Alternative 2	Alternative 2 Plus Alternative B	<u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3
Non-Timber Related Road Construction and Reconstruction Planned In Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (miles)	638	368		446 Road construction would not be prohibited in inventoried roadless areas on the Tongass National Forest.
Total 5 Year Timber Volume Offered Nationally During Fiscal Years 2000 to 2004 (million board feet, MMBF)	16,500	15,700 800 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas.	15,700 800 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas. Timber offer levels from other unroaded areas could be reduced depending on local decisions in forest planning.	16,200 300 MMBF in timber offer would be lost because of prohibitions in inventoried roadless areas on forests other than the Tongass.
Annual National Timber Related Employment From NFS Timber Harvest (timber-related jobs per year)	27,000	26,470 530 timber-related jobs lost from reduction in timber harvest in inventoried roadless areas.		26,750 250 timber-related jobs lost from reduction in timber harvest in inventoried roadless areas.

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.). *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	No Action Alternatives 1,A,T1 (Included for Comparison)	Alternative 2	Alternative 2 Plus Alternative B	<u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3
Annual Payments to States from Timber Receipts (million dollars per year)	\$135.0	\$132.4 (-\$2.6)		\$133.6 (-\$1.4)
Agency Costs	Overall agency costs would continue at current levels.	Overall agency costs are expected to remain about the same. Prohibiting road construction would reduce road maintenance costs. Forest health treatments may be more costly in inventoried roadless areas. Savings in legal costs related to inventoried roadless areas are anticipated.	Cost of implementing procedures are estimated at \$100,000 per forest. These costs would occur over a forest plan revision cycle.	Cost of implementing procedures are estimated at \$100,000 per forest, including the Tongass. These costs would occur over a forest plan revision cycle.
Annual Forest Health Treatments Associated with Timber Volume Offered in Inventoried Roadless Areas During Fiscal Years 2000 to 2004 (acres)	94,000	40,000 Fuel treatment not an issue on the Tongass National Forest.		
Inventoried Roadless Areas At Risk From Catastrophic Fire (acres)	Approximately 8 million acres at high risk and 14 million acres at moderate risk. About 3 million acres of those high risk and 7 million acres of moderate risk acres in the West need some form of fuels treatment to reduce the risk to acceptable management levels. Over the next 5 years, proposed treatments through timber sales total less than 1% of the acres needing treatment. Inventoried roadless areas would receive a low priority for fuels treatment unless there was an imminent threat to public safety or private property. Fire risk is not an issue for the Tongass National Forest.			

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.) *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	No Action Alternatives 1,A,T1 (Included for Comparison)	Alternative 2	Alternative 2 Plus Alternative B	<u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3
Dispersed Recreation	Land base available for dispersed recreation activities would decline in the future.	Land base available for dispersed recreation activities would be maintained to meet increasing demands.	Land base available for dispersed recreation activities would be maintained to meet increasing demands, and could increase based on local decisions during forest planning.	Land base available for dispersed recreation activities would be maintained to meet increasing demands, except on the Tongass in the short-term. Land base for these activities could increase based on local decisions during forest planning.
Developed Recreation	Recreation development would continue consistent with existing policies and management direction.	Opportunities for future developed recreation would decline, which may cause additional impacts on existing developed and road dependent recreation.	Opportunities for future developed recreation would decline due to prohibition on road construction, which may cause additional impacts on existing developed and road dependent recreation. This decline could be further accentuated as local decisions consider roadless characteristics in other unroaded areas.	Opportunities for future developed recreation would decline due to prohibition on road construction, except on the Tongass, which may cause additional impacts on existing developed and road dependent recreation. This decline could be further accentuated as local decisions consider roadless characteristics in other unroaded areas.
Locatable and Leasable Minerals	No change from current management policies.	Prohibiting road construction may reduce exploration and development activity in response to higher access costs. It may preclude future mineral leasing when reliant on road access.		

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.). *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

<p>Issue, Objective, or Measure</p>	<p>No Action Alternatives 1,A,T1</p> <p>(Included for Comparison)</p>	<p>Alternative 2</p>	<p>Alternative 2 Plus Alternative B</p>	<p><u>Proposed Action and Preferred Alternative</u></p> <p>Alternative 2 And Alternative B Plus Tongass Alternative T3</p>
<p>Hunting And Fishing Opportunity in Inventoried Roadless Areas</p>	<p>Quality and quantity of opportunities potentially reduced by loss or degradation of habitat for some game species.</p>	<p>Maintains current quality of roadless hunting and fishing opportunities. Protects habitat important for some game species, particularly for those sensitive to human disturbance, or those with large home ranges.</p>	<p>Maintains, and potentially increases, current quality of roadless hunting and fishing opportunities depending on local decisions made during forest planning. Protects habitat important for some game species, particularly for those sensitive to human disturbance, or those with large home ranges.</p>	<p>Except for the Tongass, maintains, and potentially increases, current quality of roadless hunting and fishing opportunities depending on local decisions made during forest planning. Protects habitat important for some game species, particularly for those sensitive to human disturbance, or those with large home ranges.</p>
<p>Impacts to to Designated or Potential Wilderness</p>	<p>Roading in inventoried roadless areas may increase threats to wilderness values.</p>	<p>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.</p>	<p>Lands between Wilderness areas and developed land would be maintained, and possibly increased depending on local decisions made during forest planning. Opportunities for recreation that require remote characteristics, but of a less restrictive nature than Wilderness, would be maintained and increased; low level threats would be maintained or reduced.</p>	<p>Except for the Tongass, lands between Wilderness areas and developed land would be maintained, and possibly increased depending on local decisions made during forest planning. Opportunities for recreation that require remote characteristics, but of a less restrictive nature than Wilderness, would be maintained and increased; low level threats would be maintained or reduced.</p>

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.) *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	No Action Alternatives 1,A,T1 (Included for Comparison)	Alternative 2	Alternative 2 Plus Alternative B	<u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3
Watershed and Air Resources	Localized, short-term water quantity & quality change likely; increased risk of mass wasting and erosion.	Substantial benefits due to reduced roading and timber harvest. Limited local short-term quantity change; small water quality decrease; small risk of mass wasting and erosion.	Substantial benefits due to reduced roading and timber harvest. Limited local short-term quantity change; small water quality decrease; small risk of mass wasting and erosion. Increased protection is likely as local decisions consider roadless characteristics in forest planning.	Except for the Tongass, substantial benefits due to reduced roading and timber harvest. Limited local short-term quantity change; small water quality decrease; small risk of mass wasting and erosion. Increased protection is likely as local decisions consider roadless characteristics in forest planning.
Air Resources	Risk of gradual air quality deterioration from dust, smoke and emissions associated with road construction, reconstruction, and use.	Lower risk of air quality deterioration from dust, smoke and emissions.	Lower risk of air quality deterioration from dust, smoke and emissions, except on the Tongass. Greater reduction in risk of air quality as local decisions consider roadless characteristics.	

Table S-4. Summary of the Combined Effects of the Proposed Action. (cont.) *The effects summarized in this table result from the combination of Prohibition Alternative 2, Procedural Alternative B, and Tongass National Forest Alternative T3, and apply to the unroaded portions of inventoried roadless areas throughout the entire National Forest System, including the Tongass National Forest.*

Issue, Objective, or Measure	No Action Alternatives 1,A,T1 (Included for Comparison)	Alternative 2	Alternative 2 Plus Alternative B	<u>Proposed Action and Preferred Alternative</u> Alternative 2 And Alternative B Plus Tongass Alternative T3
Biological Diversity	Greatest risk from roading and ground disturbance, highest potential for increased fragmentation, loss of connectivity, introduction of non-native invasives, habitat degradation and disruption; least acres protected.	Substantial benefits due to reduced human disturbance activities and increased protection of important fish, wildlife, and plant habitats.	Substantial benefits from road prohibitions due to reduced human disturbance activities and increased protection of important fish, wildlife, and plant habitats. Increased conservation of biological diversity is likely as local decisions consider roadless characteristics in forest planning.	Except on the Tongass, substantial benefits from road prohibitions due to reduced human disturbance activities and increased protection of important fish, wildlife, and plant habitats. Increased conservation of biological diversity is likely as local decisions consider roadless characteristics in forest planning..
Threatened, Endangered, and Proposed (TEP) Plant and Animal Species Protected	Greatest potential loss of habitat and adverse effects to species from highest level of road (re)construction and ground disturbance.	Substantial benefits to nearly 200 TEP species with habitat in or affected by inventoried roadless areas. Substantially reduced risk relative to No Action.	Substantial benefits to over 200 TEP species with habitat in or affected by inventoried roadless areas. Substantially reduced risk relative to No Action. Increased protection is likely as local decisions consider roadless characteristics in forest planning.	Substantial benefits to over 200 TEP species. Substantially reduced risk relative to No Action. Increased protection is likely as local decisions consider roadless characteristics in forest planning. Few species are currently or anticipated to be listed on the Tongass National Forest.

Affected Environment and Environmental Consequences

This section summarizes the physical, biological, social, and economic environment and effects found in the DEIS that may occur because of implementation of the proposed action and other alternatives.

Overview of Inventoried Roadless Areas

The NFS consists of approximately 192 million acres. The Forest Service used the most recent inventory available for each national forest and grassland to identify the inventoried roadless areas addressed in the DEIS. It used land and resource management plans, other assessments, and in the limited circumstances where a forest plan or other assessment did not have a more recent inventory of roadless areas, the Forest Service used the 1979 Roadless Area Review and Evaluation (RARE II) inventory. Using these inventories, the Forest Service has identified 54.3 million acres of inventoried roadless areas. 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 inventoried roadless areas subject to this rule. Within the total 54.3 million acres of inventoried roadless areas, an estimated 2.8 million acres have been roaded since they were inventoried. The remaining 51.5 million acres are the unroaded portions of inventoried roadless areas addressed in the DEIS.

The Forest Service Roads System

The Forest Service maintains and administers approximately 386,000 miles of roads on NFS lands. These roads serve many uses and join with county, State, and national highways to connect rural communities and urban centers with national forests and grasslands. Recreation is the single largest use or activity supported by the Forest Service transportation system, accounting for 90% of daily traffic. About 20% (76,000 miles) of Forest Service roads are maintained for passenger cars. Another 57% (223,000 miles) of the system are designed and maintained for high-clearance vehicles. The remaining 23% (87,000 miles) are single use roads (for example, fire access) that are generally closed to the public.

The Forest Service estimates that, over the next five years, approximately 1,444 miles of roads would be constructed or reconstructed in inventoried roadless areas. Of those, approximately 806 miles (512 on the Tongass) would be constructed or reconstructed to support timber harvesting; 368 (53 on the Tongass) would be related to roads constructed to protect public health and safety, for CERCLA, for reserved or outstanding rights or to prevent irreparable resource damage caused by an existing road; and the remaining 270 (80 on the Tongass) would be constructed or reconstructed for other various activities.

Effects of the Prohibition Alternatives

The DEIS discusses the effects of the prohibitions and is organized under the three main headings of Ecological Factors, Human Uses, and Social and Economic Factors. In general, the magnitude of effects that could occur corresponds to the amount of road construction, reconstruction and the other activities associated with those roads.

Ecological Factors

Affected Environment: Inventoried roadless and other unroaded areas provide large, relatively undisturbed blocks of important habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, or sensitive species. These areas function as biological strongholds and refuges for many species, including wide-ranging carnivores and some extremely localized species. As such, they play a key role in maintaining native species and biological diversity.

Roads have long been recognized as a source of soil and water disturbances in forested environments. Sedimentation caused by road construction, use and maintenance adversely affects both water quality and habitat for fish and other species. Further, atmospheric emissions from road construction and use include particulate matter, nitrogen, and volatile organic compounds from gasoline engines and soot from diesel engines. Roads are a major contributor to forest fragmentation, because they divide large landscapes into smaller patches and convert interior forest habitat into edge habitat. They also enable many activities such as timber harvest, which increase fragmentation and degrade habitat, along with increasing the overall level of human disturbance.

Roads can be avenues for invasion by non-native invasive plant species that frequently compete with or displace native vegetation. Road access into an area can increase the incidence of human-caused fires. At the same time, roads can allow activities that have beneficial effects such as fuels treatment to reduce the threat of catastrophic wildland fire, fire suppression, and control of insect and disease outbreaks.

Effects: Under Alternative 1 (No Action), the Forest Service estimates that approximately 1,444 miles of roads are planned for construction or reconstruction in inventoried roadless areas during the next 5 years. Alternatives 2-4 would prohibit construction and reconstruction of 1076 miles, or approximately 75%, of those roads. If the prohibitions were not applied to the Tongass, 564 miles, approximately 39%, of the total planned road construction and reconstruction in inventoried roadless areas would be prohibited.

Prohibiting road construction and reconstruction in inventoried roadless areas would potentially have some important beneficial ecological effects. These effects would vary by area, depending on size, location, and kinds of disturbance that have occurred within and adjacent to an area. They could include one or more of the following:

- Protection of overall watershed health;
- Maintenance of water, soil and air quality;
- Conservation of habitat important to wildlife by reducing the potential for fragmentation, degradation, and human disturbance;

- Protection of stream and lake habitat for fish and other aquatic species, conserving habitat for numerous threatened, endangered, and sensitive plant and animal species; and
- Maintaining area resilience to invasion by non-native species.

Although prohibition of road reconstruction and construction would present increased difficulties in accessing areas for purposes of fuels treatment or insect and disease management, these activities would still be feasible in most areas.

Human Uses

Timber Harvesting: Roads are generally constructed to support timber harvest. Timber can also be harvested, using existing roads, with helicopters or cable yarding systems. The use of these other methods, however, depends on the value of the timber, the terrain, and the distance to an existing road.

Timber sales are used to achieve a variety of vegetation management objectives, including restoring, improving, or maintaining forest health using stewardship purpose sales and providing a sustainable yield of forest products to meet the nation's demands using commodity purpose sales. Timber sales are often used as the least expensive method for managing vegetation to meet resource objectives such as improving wildlife habitat, reducing fuels that may increase fire risk, restoring areas after natural disasters, and combating insect and disease infestations. However, timber harvesting can result in additional stream sedimentation, water temperature changes, and habitat fragmentation and destruction.

Under Alternative 1 (No Action) of the 16.5 billion board feet total planned timber offer from all NFS lands during fiscal years 2000-2004, 1.1 billion or approximately 7% would come from inventoried roadless areas. This would require the construction or reconstruction of approximately 806 miles of roads. Prohibiting road construction and reconstruction in inventoried roadless areas (Alternative 2) would reduce timber offer on these lands over the next five years approximately 73% (from 1.1 billion board feet to 306 million board feet). Prohibiting road construction, reconstruction and timber harvesting except for stewardship purposes (Alternative 3) would reduce timber offer on these lands over the next five years approximately 90% (from 1.1 billion board feet to 105 million board feet). Prohibiting road construction, reconstruction, and timber harvesting (Alternative 4) would reduce timber offer on these lands over the next five years by 100% (from 1.1 billion board feet to zero).

Recreation: Recreation provides tangible benefits for individuals, families, communities, and society as a whole. NFS lands support a vast array of recreational activities, ranging from hiking in remote areas to snowmobiling on groomed trails to camping in developed sites. Mainly Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized recreational opportunity classes characterize inventoried roadless areas.

Demand for dispersed, developed, and road dependent recreation is increasing. Traditionally, expansion of developed and road dependent recreation opportunities like camping and picnicking at developed sites, driving for pleasure, visiting interpretive sites, and riding personal watercraft would occur into inventoried roadless areas, thus diminishing the amount of these areas available for dispersed recreation. Visitor

demand for assisted recreation experiences is also increasing. For example, people with disabilities and first time visitors often choose outfitters and guides to gain access to opportunities, experiences, and settings that would otherwise be unavailable to them.

Alternative 1 (No Action) would allow developed and road dependent recreation activities to occur in inventoried roadless areas. Road construction, timber harvesting, and other resource management activities in inventoried roadless areas would reduce the supply of areas available for dispersed recreation opportunities in the Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized recreational opportunity classes. Under Alternatives 2 – 4, access to inventoried roadless areas for forest visitors seeking primitive and semi-primitive recreation opportunities would remain high. Access to other types of road-dependent recreation would not increase.

Motorized Recreation: Prohibiting road construction and reconstruction in the unroaded portion of inventoried roadless areas would not affect existing motorized recreation opportunities. 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; and, therefore is best decided at the local level.

Real Estate Management: The agency administers over 46,000 non-recreation authorizations to use and occupy NFS lands for a variety of activities. Special use permits, leases, and easements authorize more than 80 different types of uses such as non-recreation special uses include communication sites, transmission and communication lines, oil and gas pipelines, irrigation diversions and ditches, and public and private roads.

Under all alternatives, the use and occupancy of NFS lands as part of a valid existing right, including those provided in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) (16 U.S.C. 3210) and highway rights-of-ways granted under R.S. 2477 (43 U.S.C. 932), would be accommodated in all inventoried roadless and other unroaded areas. If a right does not exist, under Alternative 1 non-recreation special uses requiring roaded access would continue to be determined on a case-by-case basis. Under Alternatives 2-4, there is potential that some non-recreation special uses may not be authorized, unless the use could be constructed, operated and maintained without road access.

Minerals and Geology: Minerals on federal lands are classified as locatable (metallic and nonmetallic minerals subject to appropriation under the General Mining Law of 1872), leasable (energy resources such as oil, gas, coal, and geothermal that can be appropriated under one of several mineral leasing acts), and salable (sand, stone, gravel, pumice, cinders, and clay). Locatable minerals on NFS lands are open to location of mining claims unless otherwise withdrawn. The Forest Service must allow these activities but can control the access and operations to some degree. Allowing exploration and development of leasable and salable minerals on NFS lands is a Forest Service decision.

Many inventoried roadless areas contain tracts prospectively identified as valuable for mineral resources. Mineral exploration and development projects can require the construction or reconstruction of roads, which can cause the ecological impacts from roads noted above.

Valid existing rights to minerals would be exempted from road construction and reconstruction prohibitions under all of the prohibition alternatives. Thus, construction and reconstruction of roads considered reasonable and necessary for locatable mineral exploration and development would be allowed as a right of access guaranteed by the General Mining Law of 1872.

Construction and reconstruction of roads, considered reasonable and necessary for energy or mineral development on existing leases, would also be allowed under the Prohibition Alternatives as access necessary to fulfill the terms of the lease. Prohibition of road construction and reconstruction in the unroaded portions of inventoried roadless areas may cause review of earlier forest plan decisions that identified certain NFS lands as being available for lease, or where these lands have been scheduled for lease sales after the proposed rule becomes final. The proposed action would also likely restrict the opportunity for exploration and development of presently undiscovered leasable mineral resources in the unroaded portions of inventoried roadless areas.

Exploration and development of salable mineral resources are subject to agency discretion. Prohibition of road construction or reconstruction in inventoried roadless areas under Alternatives 2 – 4 would prevent access to these resources. This may have the effect of increasing the cost of these resources to local communities by having to obtain them from alternate sources.

Social and Economic Factors

NFS lands are used, enjoyed, and valued by people everywhere, including those who live in nearby communities; those who visit them from cities, states, and countries farther away; and those who never visit but who benefit from the ecosystem services and passive use values they provide.

Those who have the strongest interests in NFS lands, and those whose livelihood or recreational pursuits are more closely tied to the National Forests, are more directly affected by Forest Service actions than people who have little involvement with these public lands. It is these forest stakeholders who are the focus of the socioeconomic effects analysis in the DEIS, which centers on wildland values, recreation, hunting and fishing, livestock grazing, non-timber forest products, timber harvest, energy and non-energy minerals, and road construction. Two additional topics are addressed because they were identified as key issues during the scoping period: local involvement and dependent communities. Agency costs associated with the rule are also discussed in the DEIS.

Timber harvesting: The Forest Service estimates that a national prohibition on road construction and reconstruction in inventoried roadless areas would affect 538 jobs directly associated with timber harvests nationwide (representing \$25 million in income), with approximately 948 total jobs affected. Compared to the No Action Alternative, jobs and payments to states would decline about 2% per year under Alternatives 2-4.

Because approximately 71% of the annual average harvest in inventoried roadless areas would be reduced by a road prohibition, the additional impacts associated with prohibitions on timber harvesting would be relatively small. Specifically, prohibiting

timber harvesting except for stewardship purposes (Alternative 3) could affect 745 direct jobs and 1,395 total jobs with payments to states reduced by approximately 3%. Prohibiting all timber harvesting (Alternative 4) could affect 822 direct jobs and 1,540 total jobs. Reduction in payments to states for Alternative 4 is 3%.

The estimated economic impacts do not account for any potential substitute harvest from other ownerships or substitute job opportunities. To the extent that harvest substitution occurs, there would also be substitution for both jobs and income. However, the environmental impacts associated with timber harvesting and associated road construction and reconstruction would be transferred from NFS lands to other ownerships. Reduced job opportunities for loggers and mill workers also have social effects. Loss of timber jobs can mean not only the loss of a source of income, but also the loss of a way of life and a sense of individual and cultural identity.

Road Construction: Road construction, reconstruction, maintenance, and decommissioning activities also generate jobs and income. The Forest Service estimates that about 36 total jobs are generated per \$1 million expended on roads. 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.

Under Prohibition Alternative 1 (No Action), approximately 1,444 miles of roads are planned for construction or reconstruction in inventoried roadless areas over the next five years for timber harvesting and other purposes. To estimate the effects on jobs, the total miles of roads were converted to average annual figures. If all of the timber and non-timber roads were constructed, annual costs would range from \$4.2 to \$11.6 million. Using this range of costs, direct jobs associated with road activities would range from 31 to 94, while total jobs would range from 141 to 421.

The economic effects of the national prohibitions on road construction and reconstruction in the unroaded portions of inventoried roadless areas are the same for Alternatives 2 – 4. Of the 638 miles of roads estimated for non-timber projects over the next five years, up to 270 miles may be prohibited by these alternatives. The remaining 368 miles would not be prohibited because of valid existing rights. The 806 miles associated with timber offer would also be affected by the prohibitions. The Forest Service estimates that the Prohibition Alternatives would affect from 24 to 64 annual direct jobs and 107 to 266 total annual jobs.

Mineral Operations: Under Alternative 1 (No Action), mineral operations would be approved under existing authorities. Mineral activity on NFS lands would continue to depend on such factors as market conditions, environmental regulations, tax policies, technological advances, and mineral potential. If current trends continue, there will be fewer mining related jobs, less income, and a reduction in U.S. Treasury receipts and payments to states generated from mineral activities.

Alternatives 2 – 4 are more likely to have economic effects on leasable and salable minerals where the Forest Service has more discretion. Compared to the No Action Alternative, the effects of these alternatives could further reduce mining-related jobs, income, and U.S. Treasury receipts and payments to states. There is not enough information available, however, to quantitatively estimate the degree to which jobs, income, and revenue would be reduced by the proposed rule.

Little economic impact is expected in the short-term. In the longer term, effects would depend on whether mineral prices increase and whether the relative cost of development of mineral resources on NFS lands is more attractive than development of resources in other locations.

Livestock Grazing: On National Forest System lands, most areas that are suitable for grazing have already been placed in allotments, and the opportunity to expand is negligible. Prohibiting road construction or reconstruction in inventoried roadless areas would not affect existing routes of access to grazing allotments.

Payments to States: Receipts generated from timber harvests and mineral extraction on National Forest System lands are partially distributed to states and counties through payments to states and are likely to decrease under the action alternatives primarily due to the loss of timber revenue. The Administration is working with Congress to provide permanent, stable payments that would be unaffected by the level of timber harvest.

Civil Rights and Environmental Justice: The Forest Service analyzed the extent to which the alternatives might affect subsets of the general population identified through civil rights legislation and polices and Executive Order 12898 (Environmental Justice). These subsets include ethnic minorities (Native Americans, Hispanics, African Americans, and Asian Americans), disabled people, and low-income groups. Although Native American issues are typically addressed as government-to-government issues, they are addressed in the context of environmental justice to ensure the protection of all minority groups.

Under Prohibition Alternative 1 (No Action), impacts to protected classes of people are speculative because of a lack of readily available data regarding uses of NFS lands by minority groups, people with disabilities, and low-income groups. All current uses of NFS lands would be expected to continue.

Disparate or disproportionate impacts associated with a prohibition on road construction and reconstruction under Alternatives 2 through 4 is not anticipated to affect protected populations at the national level. While there may be adverse impacts to some populations or groups, they are not expected to be greater than those experienced by other non-minority, able-bodied, or higher income level groups. Potential positive effects would be attributable to a reduction in conflict among users if roads are not constructed in areas where Native American cultural and religious uses are not compatible with some multiple uses or where conserving the subsistence resource base would benefit from limited road construction.

Effects of the Procedural Alternatives

The national procedures would not directly prohibit any ground disturbing activity and would not have any direct environmental effects. Rather, the effects of the procedures would be indirect in that they depend on the decisions made by the local manager during planning. The degree to which indirect effects may accrue for a specific inventoried roadless area or unroaded area is dependent on the size of the area, its geographic location, kinds and extent of management-induced disturbances which have occurred in the past, and the landscape and social context in which it is found. The magnitude and extent of such effects cannot be determined at a national level, but it is reasonable to

expect that, where decisions are made in the context of conserving roadless characteristics, effects could include but are not limited to, one or more of the following:

Ecological Factors:

- Increased assurance, that biological diversity would be effectively conserved, both within the area and the landscape in which it is found;
- Maintenance or restoration of some level of natural disturbance processes which are important controls for ecosystem composition, structure, and function;
- Providing important components of conservation strategies for protection and recovery of threatened, endangered, proposed for listing, and sensitive species;
- Increased protection of the area from habitat fragmentation due to management activities;
- Protection of biological strongholds for many species; and
- Increased protection of water, soil, and air resources at or near background levels.

Human Uses:

- A decline in road construction limiting the miles of roads competing for limited road maintenance funding;
- Continued or expanded opportunities for dispersed recreation.
- Increased protection of scenic quality;
- Increased protection of heritage resources;
- Decreased availability of developed and road dependent recreation uses;
- Increased environmental analysis when considering proposals for mineral exploration and development;
- Potential to limit exploration and development of leasable mineral resources in unroaded areas; and
- Increased number of areas recommended for mineral withdrawal.

Social and Economic Factors:

- Providing and enhancing wildland values;
- Maintaining opportunities for local involvement;
- Maintaining high quality fishing and hunting opportunities; and
- Reduced jobs and income related to timber harvest, road construction and mineral extraction.

Effects of the Tongass National Forest Alternatives

Encompassing approximately 17 million acres, the Tongass National Forest is the largest administrative unit in the NFS. The Forest's high degree of overall ecosystem health is largely due to the quantity and quality of its inventoried roadless areas. Approximately 82% of the Forest occurs in land use designations that have substantial limitations on road building and timber harvest activities, such as Wilderness Areas and National Monuments.

Currently on the Tongass, recreation opportunity demand is well below supply, although it should be met in the near future for all Recreation Opportunity Spectrum classes except Semi-Primitive Motorized. Most people visit Southeast Alaska by cruise ship or ferry during the 100-day tourist season. Outfitters and guides provide services that help

visitors and others experience Alaska via flight seeing, boat tours, river rafting, and bus tours. Because people expect to experience Alaska wild and “unspoiled,” outfitters and guides seek natural appearing landscapes.

Federal legislation acknowledges the importance of subsistence hunting, fishing, and gathering in Alaska. Within Southeast Alaska, the estimated annual wild food harvest supplies 115% of the population’s protein needs.

Timber harvest occurs almost exclusively to promote growth and yield using even-aged (clear-cut) harvest methods and extensive road building. The result has been a decline in the amount of productive old growth in several intensively managed areas (central and northern Prince of Wales Island and northeast Chichagof Island, in particular). About two-thirds of the Forest’s planned timber volume offered in the next 5 years would be from inventoried roadless areas. This volume is approximately half of the total planned volume offered within inventoried roadless areas nationally. Under current market conditions, the demand for Tongass timber is expected to be less than proposed offer levels.

In 1994, 23% of jobs in Southeast Alaska were direct employment in resource dependent industries. Of this total, the wood products industry accounts for 24% of direct employment. Between 1983 and 1995, 52% of the area’s timber harvest volume came from Native Corporation Lands, 45% from the Tongass, and 3% from other ownerships.

The seafood industry (commercial fishing and seafood processing) was the largest private industry in Southeast Alaska in 1994, employing approximately 3,500 employees. Commercial salmon fishing comprises the majority of Southeast Alaska’s fishing industry. An estimated 80% of the salmon in Southeast Alaska originate on the Tongass National Forest, and a comparable portion of the commercial salmon fishing industry is dependent on Tongass salmon. Similarly, since 60% of all seafood processed is salmon, 48% of the seafood processing employment in Southeast Alaska depends on salmon that spawn on the Tongass National Forest.

Under Alternative T1 (No Action), land management would continue as outlined in the 1999 Record of Decision for the TLMP. Projected risk to ecosystem health would remain unchanged, human uses would continue at levels projected under the TLMP, and social and economic values would be affected as described within the current TLMP.

Under the current TLMP, the total projected timber offer within inventoried roadless areas on the Tongass in the next 5 years (fiscal years 2000 to 2004) is 539 MMBF, requiring 512 miles of road construction and reconstruction. This represents nearly half the timber volume projected to be harvested from all inventoried roadless areas within the next 5-year period. At these timber offering levels, it is estimated that on the Tongass National Forest, 60 MMBF would likely be harvested per year from inventoried roadless areas, generating 298 direct jobs, \$13.7 million in direct income, and \$1.3 million in payments to the state of Alaska.

Under Alternative T2 (No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan

Review; Implement Forest Planning Process at Next Plan Revision; Project-by-Project Analysis in the Interim), both project-by-project and forest planning procedures are intended to place more emphasis on management activities that identify, consider, enhance, and conserve ecosystem health, visual quality, and other roadless characteristics. There is little opportunity to design and implement timber harvest and roading on the Tongass in a way that would enhance roadless characteristics. Therefore, it is possible that applying the procedures could have a similar result as applying the prohibitions in that timber harvest could decrease. The scope of the effects, both beneficial and detrimental, would be commensurate with the amount of roading that occurs and the activities that occur because of the roads (such as road dependent recreation and timber harvest).

Under Alternative T3 (No Prohibitions; Determine Whether Road Construction Should be Prohibited in Unroaded Portions of Inventoried Roadless Areas as Part of 5 Year Plan Review; Implement Forest Planning Process at Next Plan Revision), intensive timber management and roading activity, generally considered to be inconsistent with maintaining roadless area quality, would continue within inventoried roadless areas where roading and timber harvest are permitted until the evaluation and plan revision is complete. At such time, it is reasonable to assume that as more acres are considered for roadless area protection, fewer acres would be roaded and harvested. In the absence of transitional procedures, beneficial effects may be foregone for some ecological resources. However, some of the detrimental social and economic effects, such as timber volume shortfalls, fewer jobs in the wood products industry, and reduced payments to the state, would be less likely to occur in that 5-year period.

Another difference between applying the procedures on a project-by-project basis and during a forest-wide evaluation at the 5 Year Review is one of scale. The evaluation of whether or not to prohibit road construction and reconstruction in the unroaded portions of inventoried roadless areas would occur at a broad forest-wide scale where they could be considered as part of an overall strategy. Achievement of this goal on a project-by-project basis may be more difficult.

Under Alternative T4, road construction and reconstruction would be prohibited in the Old Growth, Semi-Remote Recreation, Remote Recreation, and LUD II land use designations within inventoried roadless areas. The 4 land use designations emphasize maintenance of mostly natural settings rather than development. For resources other than timber, biological, and recreation, the effects of this alternative will probably not be noticeably different from the No Action Alternative. Despite the relative abundance of these designations on the Tongass National Forest, the amount of roading that is likely to occur within those areas would be minimal and would occur near the fringes of these otherwise unroaded areas.

A reduction of timber volume outputs as has been predicted under this alternative (241 MMBF in the first 5 years) could affect 134 direct jobs, \$6.2 million in direct income, and \$585,000 in payments to states. In the long-term, the effects would decline considerably, since the total planned offer for the following 5 years from these 4 land use prescriptions is 50 MMBF.

Combined Effects of Prohibitions, Procedures, and Tongass National Forest Alternatives

Combining the prohibitions (Alternatives 2, 3, and 4) with the procedures (Alternatives B, C, and D) would result in more acres considered for conservation of roadless characteristics than if only a prohibition alternative was implemented, and a more consistent protection of inventoried roadless areas than if only a procedural alternative were selected. In addition to the inventoried roadless areas covered by the prohibitions, other unroaded areas of sufficient size, shape, and position within the landscape determined manageable for the long-term conservation of roadless characteristics would be evaluated either by a planning process (Alternative B), by a project-by-project analysis (Alternative C), or by a combination of the 2 (Alternative D). It is logical to presume that more areas considered would eventually result in more NFS lands managed for roadless characteristics.

In addition to the fact that some projects may not be implemented either because they are prohibited or because they require road construction in inventoried roadless areas, other projects and activities not found to be compatible with roadless characteristics may be forgone because of decisions made by local responsible officials. These projects would have been located in either inventoried roadless areas or other unroaded areas covered by the procedures. As a result, a combination of the prohibitions and procedures would have both beneficial and adverse cumulative effects.

The beneficial effects would be to species needing large-undisturbed areas of land, scenic quality, dispersed recreation, and the other characteristics listed in the proposed rule. Adverse effects would be associated with the reduction in the number of acres treated for forest health or fuels management and the possible exclusion of other uses that are dependent on roads such as some types of recreation or some uses requiring special use permits. It would also result in a further decline of the agency's timber program and its associated effects to forest dependent communities.

Selection of an action alternative for the Tongass National Forest (T2 through T4) would change how or if the prohibitions or the procedures would be implemented on the Forest. By doing so, the cumulative effects described in this section would change as described in the Tongass effects section.

Cumulative Effects of the Proposed Roadless Area Conservation Rule with Other Forest Service Proposed Rules

The Forest Service has two ongoing rulemaking efforts related to the proposed Roadless Area Conservation Rule: the proposed NFS Land and Resource Management Planning Rule and the proposed National Forest System Road Management and Transportation System Rule.⁴ As these public rulemakings proceed, the agency may choose to

⁴ The proposed planning rule was published as 36 CFR Parts 217 and 219 National Forest System Land and Resource Management Planning; Proposed Rule, October 5, 1999 (64 FR 54074). The proposed road management rule was published as 36 CFR Parts 212, 261, and 295 National Forest System Road Management and Transportation System: Proposed Rule and Notices, March 3, 2000, (65 FR 11676).

integrate and clarify certain provisions within each rule to ensure consistency, clarity and effectiveness.

Related Rulemaking Proceedings

Proposed Planning Rule: The rule would revise the framework for National Forest System planning and management; makes sustainability the foundation for National Forest System planning and management; establishes requirements for implementation, monitoring, evaluation, amendment, and revision of land and resource management plans; ensures collaboration with the public; integrates science into the process; and incorporates new information and opportunities.

Proposed Road Management Rule: The rule would revise regulations concerning the development, use, maintenance, and funding of the National Forest transportation system to shift the emphasis from transportation development to sustaining environmentally sound access. Road construction and reconstruction in inventoried roadless and other unroaded areas would require a science-based roads analysis and a Regional Forester signed environmental impact statement.

The Forest Service recognizes that this proposed roadless area rule together with these other proposed rules might have a cumulative impact in final form. It is estimated that these rules and associated policies would provide a comprehensive and consistent strategy for managing NFS lands.

If all these proposed rules were adopted as proposed, the final planning rule would provide the overarching framework for implementing the final road management rule and the final roadless area conservation rule. The final road management rule would provide direction for the transportation system while the final Roadless Area Conservation Rule would provide certain direction for management of specified areas for conservation of roadless characteristics and values.

Other Effects and Disclosures

Implementation of any of the prohibition, procedural, or Tongass alternatives does not require an on-the-ground action to occur; therefore, they do not compel short-term uses, nor do they compel an irreversible or irretrievable commitment of resources.

The proposed rule is not an action that requires consultation under the Fish and Wildlife Coordination Act because it does not require water to be impounded or diverted, or the National Historic Preservation Act because there are no ground disturbing actions. Informal consultation has started with the Fish and Wildlife Service and the National Marines Fisheries Service in accordance with the Endangered Species Act implementing regulations.

Consultation and Coordination

In addition to public scoping, the Forest Service consulted many government agencies and convened an interagency team of Forest Service employees and representatives of other federal agencies with expertise or jurisdiction by law to review the proposed rule and DEIS. These agencies included the Departments of the Interior (Bureau of Land Management and U.S. Fish and Wildlife Service) and Justice, National Marine Fisheries Service, Small Business Administration, President's Council on Environmental Quality, Office of Management and Budget, and Council of Economic Advisors. The agency also consulted with states, tribes, and local governments.

The DEIS and the proposed rule are being circulated for public comment. Every national forest and grassland will hold at least two public meetings concerning the DEIS and proposed rule. The first will be information sharing on the proposal. The subsequent meeting will be a public forum to hear and formally record verbal comments. Please contact your local Forest Service office for date, time, and place for these meetings, or visit the roadless.fs.fed.us web site. The Forest Service welcomes comments on the DEIS and proposed rule. Please submit your written comment in the following ways:

Commenting on the Draft EIS and/or the Proposed Rule

Send comments to:

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

Send comments by facsimile to:

877-703-2494

Send comments by e-mail by accessing the worldwide web:

roadless.fs.fed.us

Comments must be received in writing by July 17, 2000

APPENDIX A

Proposed Rule

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 294

RIN: 0596-AB77

Special Areas; Roadless Area Conservation

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: The Forest Service is proposing new regulations to protect certain roadless areas within the National Forest System. This proposed rulemaking would prohibit road construction and reconstruction in most inventoried roadless areas of the National Forest System and require evaluation of roadless area characteristics in the context of overall multiple-use objectives during land and resource management plan revisions. This proposal is in response to strong public sentiment for protecting roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities, and other public benefits provided by these areas. This action also responds to budgetary concerns and the need to balance forest management objectives with funding priorities. The intent of this rulemaking is to provide lasting protection in the context of multiple-use management for inventoried roadless areas and other unroaded areas within the National Forest System. The Forest Service invites written comments on this proposed rule and will analyze and consider those comments in the development of a final rule.

DATES: Written comments must be received by July 17, 2000.

ADDRESSES: Send written comments to the USDA Forest Service-CAET, Attention: Roadless Areas Proposed Rule, P.O. Box 221090, Salt Lake City, Utah, 84122. Reviewers, who wish to send comment by e-mail, may do so by accessing the worldwide web at roadless.fs.fed.us and selecting the comment option. Comments may also be sent via fax to 877-703-2494.

Comments received in response to this rulemaking, including names and addresses when provided, will be considered part of the public record and will be available for public inspection and copying.

A copy of the Draft Environmental Impact Statement (DEIS), the DEIS Summary, and other information related to this rulemaking is available at the roadless.fs.fed.us website. Reviewers may request printed copies or compact disks, as available, of the Draft Environmental Impact Statement and the Summary by writing to the Rocky Mountain Research Station, Publication Distribution, 240 West Prospect Road, Fort Collins, CO 80526-2098. Fax orders will be accepted at 800-777-5805. When ordering, requesters must specify if they wish to receive the summary or full set of

documents and if the material should be provided in print or on disk. Additional information is available at the roadless.fs.fed.us website as well as by calling the number listed under the For Further Information Contact heading.

FOR FURTHER INFORMATION CONTACT: Scott Conroy, Project Director,
(703) 605-5299.

SUPPLEMENTARY INFORMATION: The following outline displays the contents of the Supplementary Information section of this proposed rule:

Background

National Forest System Land Designations

Management of Roadless Areas

Proposed Roadless Area Conservation Rule

Regulatory Initiatives

Other regulatory initiatives

Section-by-Section Description of the Proposed Rule

Authority

Proposed section 294.10--Purpose.

Proposed section 294.11--Definitions.

Proposed section 294.12--Prohibition on road construction and reconstruction in inventoried roadless areas.

Proposed section 294.13--Consideration of roadless area conservation during forest plan revision.

Proposed characteristics.

(1) Soil, water, and air.

(2) Sources of public drinking water.

(3) Diversity of plant and animal communities.

(4) Habitat components for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.

(5) Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation.

(6) Reference landscapes.

(7) Landscape character and scenic integrity.

(8) Traditional cultural properties and sacred sites.

(9) Other locally identified unique characteristics.

Proposed section 294.14--Scope and applicability

Summary

Regulatory Impact

Unfunded Mandates Reform

Environmental Impact

No Takings Implications

Civil Justice Reform Act

Controlling Paperwork Burdens on the Public

Federalism

Conclusion

Background

The Forest Service is responsible for managing the lands and resources of the National Forest System, including 192 million acres of land in 42 states, the Virgin Islands, and Puerto Rico. The system is composed of 155 national forests, 20 national grasslands, and various other lands under the jurisdiction of the Secretary of Agriculture. The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528) and the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*), direct that National Forest System lands are to be managed for a variety of uses on a multiple-use basis to provide a continued supply of products, services, and values without impairment of the productivity of the land.

National Forest System Land Designations

The Forest Service used the most recent inventory available for each national forest and grassland to identify the inventoried roadless areas addressed by this rulemaking. It used land and resource management plans, other assessments, and the Roadless Area Review and Evaluation (RARE) II inventory. The Forest Service began identifying roadless areas through RARE I in 1972. In 1979, the agency completed RARE II, a more extensive national inventory of roadless areas. RARE II built on the data in RARE I, and in most cases forest plans and other assessments were built on RARE II. In the limited circumstances where a forest plan or other assessment did not have a more recent inventory of roadless areas, the Forest Service used the RARE II inventory.

Using these inventories, the Forest Service has identified 54.3 million acres of inventoried roadless areas that are the subject of this rulemaking (Table 1). Road building is currently not allowed in 20.5 million of these 54.3 million acres. Many are designated as primitive or semi-primitive recreation areas in existing forest plans. Road building is allowed in the remaining 33.8 million acres of inventoried roadless areas subject to this rule. Within the total 54.3 million acres of inventoried roadless areas, an estimated 2.8 million acres have been roaded since they were inventoried. The remaining 51.5 million acres are the unroaded portions of inventoried roadless areas addressed in the rule.

Table 1 also displays the acreage of Congressionally designated areas and all other National Forest System lands. The National Forest System contains 42.4 million acres of Congressionally designated areas, such as Wilderness or Wild and Scenic Rivers. In addition to inventoried roadless areas and areas designated by Congress, there are 95.2 million acres of other National Forest System lands. There are approximately 386,000 miles of Forest Service roads, as well as other county, state, and federal roads, in these 95.2 million acres. However, some of these 95.2 million acres are unroaded areas where conservation of roadless characteristics may be desirable. Under current policy and forest plan direction, road building continues to be allowed in a substantial portion of the 95.2 million acres of other National Forest System lands and the 33.8 million acres of inventoried roadless areas.

Table 1. National Forest System Designations

	Inventoried Roadless Areas			Wilderness ¹ and Other Areas Designated by Congress	All Other National Forest System Lands
	Total	Roads Allowed	Roads Not Allowed		
Acres In Millions	54.3	33.8	20.5	42.4	95.2
Percentage of Total National Forest System	28	17	11	22	50
¹ Road construction is not allowed in the 35 million acres in the National Wilderness Preservation System.					

Management of Roadless Areas

The Forest Service presently manages a 386,000-mile road system that supports a wide variety of uses, activities, and management actions. Areas without roads have inherent characteristics and values that are becoming scarce in an increasingly developed landscape. While National Forest System inventoried roadless areas represent only about two percent of the United States' land base, they provide significant opportunities for dispersed recreation, sources of public drinking water, and large undisturbed landscapes that provide privacy and seclusion. In addition, these areas serve as bulwarks against the spread of invasive species and often provide important habitat for rare plant and animal species, support the diversity of native species, and provide opportunities for monitoring and research. Roadless areas remain roadless due to the difficulties in developing facilities, roads, and trails in rugged terrain; the high cost of development; the environmental sensitivity and high ecological values of roadless areas; low suitability for timber production; designated use for unroaded forms of recreation; controversy associated with development of roadless areas; and other factors.

Under current agency management policies, local agency officials have the authority to make decisions about road construction in the national forests and grasslands on a case-by-case basis. Agency officials make such decisions at the local level either through the forest planning process or through site-specific, project-level decisions. These planning processes require comprehensive public notice and comment. Additional information about the current planning process is included in the preamble discussion for proposed section 294.13.

Proposed Roadless Area Conservation Rule

The proposed roadless area conservation rule has a two-fold purpose. First, the Forest Service is proposing to immediately stop activities that have the greatest likelihood of degrading desirable characteristics of inventoried roadless areas, based on decisions made at the national level through this public rulemaking process. Second, the Forest

Service is proposing to ensure that the significant characteristics of both inventoried roadless and other unroaded areas (that is, generally smaller areas never previously inventoried) are identified and considered through local forest planning efforts. The proposed rule would establish a framework whereby the Forest Service: (1) manages inventoried roadless areas partly by national decisionmaking and partly through local forest planning efforts, and (2) manages other unroaded non-inventoried areas exclusively through the local planning process.

At the national level, the rulemaking would apply to all National Forest System lands and would prohibit road construction in almost all inventoried roadless areas, with a few limited narrow exceptions. The national decision process would reduce the time, expense, and controversy associated with making case-by-case decisions at the local forest level concerning the construction and reconstruction of roads in inventoried roadless areas, and preserve options for dealing with these areas for the future.

The proposed rule also recognizes the role of local forest decisionmaking for management of both inventoried roadless and smaller or uninventoried unroaded areas. The rule would establish procedures whereby local decisionmakers 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. For smaller uninventoried unroaded areas, the responsible official would evaluate the quality and importance of their characteristics, select those to be protected, and determine the level of protection through the forest planning process. Local officials' discretionary decisions would be informed by their evaluation of the quality and importance of the characteristics of the areas and their determination of whether these characteristics should be protected.

At the national level, the proposed rule covers inventoried roadless areas within the Tongass National Forest in a special provision. That provision postpones a decision regarding protection of these areas until April 2004, and specifically notes that the decision would be subject to existing statutory direction uniquely applicable to the Tongass National Forest.

Additional background information is included in the draft environmental impact statement accompanying this rulemaking. The draft statement discloses information about the physical, biological, social, and economic environments relevant to the proposed action. The entire draft environmental impact statement, or a summary, is available at the address listed in the ADDRESSES section of this proposed rule.

Regulatory Initiatives

On January 28, 1998, the Forest Service gave advance notice of its intent to propose revising the National Forest Transportation System regulations (63 FR 4350) to address needed changes in how the agency's road system is developed, used, and maintained. On the same date, the agency also proposed a rule to suspend temporarily road construction and reconstruction in certain areas (63 FR 4354) and requested comment. The agency received more than 119,000 responses. On February 12, 1999, the agency published an interim final rule, which temporarily suspended road construction

and reconstruction in most roadless areas of the National Forest System (64 FR 7290). The interim rule is intended to provide time for the agency to develop a long-term road management strategy and to consider more fully public concerns about roadless areas and road management.

On October 13, 1999, President Clinton directed the Forest Service to engage in rulemaking to protect roadless areas that “represent some of the last, best, unprotected wildland anywhere in our nation.” On October 19, 1999, the agency published a notice of intent to prepare an environmental impact statement and to announce the initiation of a public rulemaking process to propose the protection of certain roadless areas within the National Forest System (64 FR 56306). To assist in the development of the rule and alternatives, the agency requested public comment on the scope of the environmental analysis, on the identification of alternatives to the proposal, and on whether the rulemaking should apply to the Tongass National Forest in Alaska.

As part of the scoping process, the agency conducted 10 regional and national public meetings and also held local meetings, which were hosted by the 127 national forest and grassland headquarters. Attendance at the public meetings ranged from as few as 5 people to over 700; typical registration was 50 to 100 people in most communities. Total attendance for all public meetings was approximately 16,000. The agency has received approximately 365,000 written responses to the notice of intent, including approximately 336,000 form letters, from individuals, groups, organizations, and other government agencies.

The agency has used these comments to further refine the scope of the decision to be made, identify significant issues, shape the alternatives, identify possible mitigation measures, and direct the “effects analysis” in the draft environmental impact statement. The six major topics that were identified as a result of the scoping process include issues related to: (1) access; (2) identification of “other unroaded” areas; (3) exemptions; (4) environmental, social, and economic effects; (5) the degree of local involvement in roadless area decisions; and (6) the impacts to communities that depend on the use of National Forest System lands. The draft environmental impact statement, which accompanies this proposed rule includes a more complete description of the issues; alternatives; and environmental, social, and economic effects that were identified as a result of comments submitted in response to the notice of intent.

Having considered the scoping comments and having identified and analyzed alternatives and effects, the agency is proposing a rule to amend Part 294 – Special Areas, of Title 36 of the Code of Federal Regulations. The provisions of the proposed rule include a national prohibition on road construction or reconstruction in the unroaded portions of inventoried roadless areas and, during forest plan revision, evaluation of roadless characteristics in the context of overall multiple-use objectives.

This rulemaking is not an effort to expand the National Wilderness Preservation System. The Forest Service recognizes that only Congress may designate wilderness. The Forest Service will continue managing inventoried roadless areas and other unroaded areas within the multiple-use framework required by law.

Other regulatory initiatives

The agency has also recently proposed other regulations and policies that address the management of the National Forest System and how the agency must make decisions about road construction in national forests and grasslands.

Proposed Land and Resource Management Planning Rule. The Forest Service proposed this rule on October 5, 1999 (64 FR 54074). This rule proposes to revise the agency's regulations under the National Forest Management Act. The proposed rule would provide for the long-term sustainability of national forests and grasslands, ensure collaboration with the public, and integrate science more effectively into the planning process. The proposed rule would allow the Forest Service to make special designations for roadless and unroaded areas.

Proposed Road Management Rule and Policy. The agency proposed this rule and administrative policy on March 3, 2000 (65 FR 11676). The administrative policy would establish procedures for making decisions about road construction, reconstruction, and decommissioning in national forests. The proposed policy would require that the Forest Service incorporate a science-based road analysis into other analyses and assessments and also conduct a science-based road analysis for any new proposed road construction. The proposed policy also would require the Forest Service to emphasize maintenance and decommissioning of roads over the construction of new roads. In addition, the policy proposes transitional procedures (FSM 7710.32, paragraphs 2 and 3) that address road construction in sensitive roadless and unroaded areas until forest plan revision. The transitional procedures require that responsible officials identify a compelling need and complete an environmental impact statement signed by the Regional Forester before road construction can occur in inventoried roadless and other unroaded areas. The proposed roadless area conservation rule, if adopted, would replace the road management policy's transition language regarding inventoried roadless areas and other unroaded areas.

Section-by-Section Discussion of the Proposed Rule

Authority. This proposed rule is within the scope of the Secretary of Agriculture's authority, as granted by the Organic Administration Act of 1897 (16 U.S.C. 551), "to regulate the occupancy and use and to preserve the forests thereon from destruction." Congress elaborated on this duty in the Multiple-Use Sustained-Yield Act of 1960 by directing the Secretary of Agriculture to administer National Forest System lands to achieve the multiple use and sustained yield of renewable resources "without impairment of the productivity of the land" (16 U.S.C. 528-531). Furthermore, National Forest System management must be accomplished in compliance with a host of administrative and environmental laws. Of particular relevance to this proposal is the Secretary of Agriculture's responsibility for the administration of an adequate system of roads and trails on the National Forest System authorized by the National Forest Roads and Trails Act (16 U.S.C. 532-538).

The Forest and Rangeland Renewable Resources Planning Act, as amended, directs the Secretary of Agriculture to install a proper system of transportation that is both economically and environmentally sound. Furthermore, all roads are to be "designed to

standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources” (16 U.S.C. 1608 (c)).

The Forest Service has regulations to guide road management, at 36 CFR part 212, in accordance with their responsibility for management of forest development roads and trails under the authority of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 201, 205). As mentioned previously, the agency has published a proposal to amend regulations at 36 CFR part 212. Also, the Secretary has been granted broad authority under the Forest and Rangeland Renewable Resources Planning Act, as amended, to establish such rules as he determines necessary and desirable to manage the national forests. (16 U.S.C. 1613).

Proposed § 294.10 Purpose. This section of the proposed rule identifies that the agency’s goal is to provide lasting protection for inventoried roadless areas and other unroaded areas in the context of multiple-use management. That goal would be accomplished through the combination of limited national prohibitions set out in § 294.12 and the procedural mechanisms set out in § 294.13.

Proposed § 294.11 Definitions. This section of the rule sets out the terms and definitions used in this proposed regulation. The section first defines inventoried roadless areas. These areas were identified using various forest planning and assessment processes, including RARE II, forest plan revisions, and the Southern Appalachian Assessment. The 1996 Southern Appalachian Assessment was a state and federal interagency review of that region’s environmental health and ecological problems. Roadless areas were inventoried as part of that assessment.

These plans and assessments resulted in the currently mapped configurations, referred to as “inventoried roadless areas.” The maps are maintained at the national headquarters of the Forest Service and are the official maps for the proposed rule. In the event a modification to correct any clerical, typographical, or other technical error is needed, the change will be made to the national headquarters maps and the corrected copies of the maps made available on the web at roadless.fs.fed.us/. Prior to finalizing this proposed rule, map adjustments may be made for forests and grasslands currently undergoing assessments or land and resource management plan revisions.

For the purposes of this rulemaking, the agency is proposing definitions for various categories of roads. These definitions reflect the agency’s best efforts to coordinate the use of these terms with other initiatives that use similar terminology. The defined road terms are: road, classified road, unclassified road, road construction, and road reconstruction. The Forest Service encourages reviewers to closely scrutinize these definitions with the understanding that the terms and definitions used in the final rule will be coordinated with the terminology used in other agency initiatives.

An unroaded area is defined as any area without the presence of a classified road, which is of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition. This definition also is similar to the definition used in the proposed road management policy (also called transportation rule).

A definition is proposed for the term “unroaded portion of an inventoried roadless area.” This definition clarifies that the prohibition and evaluation requirements of this proposed rule are not intended to apply to the portions of inventoried roadless areas that

have had classified roads constructed since the area was inventoried. It should be noted that the criteria used to identify and inventory roadless areas in forest planning (Forest Service Handbook 1909.17, chapter 7) allowed the presence of certain types of classified roads, as long as the area, otherwise, met certain minimum criteria.

Proposed § 294.12 Prohibition on road construction and reconstruction in inventoried roadless areas. Paragraph (a) of this section proposes to prohibit road construction or reconstruction in the unroaded portions of inventoried roadless areas, except for the circumstances listed in proposed paragraphs (b)(1) through (b)(4) and paragraph (c). Nothing in this section is intended to prohibit the authorized construction or maintenance of motorized or non-motorized trails of any size that are classified and managed as trails pursuant to agency direction (FSM 2350).

Proposed paragraph 294.12 (b) would allow certain limited exceptions to the road construction prohibition. The exceptions in proposed paragraphs (b)(1) and (b)(3) parallel the exceptions used in the interim roads rule (64 FR 7290). The public health and safety exception at proposed paragraph (b)(1) would apply only when needed to protect public health and safety in cases of an imminent threat of a catastrophic event that might result in the loss of life or property. It is not intended to be construed as permission to engage in routine forest health activities, such as temporary road construction for thinning to reduce mortality due to insect and disease infestation.

The exception in proposed paragraph (b)(2) would permit entry for activities undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) and other identified statutes. An example of a Superfund activity is to correct the bleeding of toxic chemicals from an abandoned mine.

Proposed paragraph (b)(3) would permit the construction and reconstruction of a road pursuant to valid existing rights granted in statute or treaty, or pursuant to a reserved or outstanding right. These include, but are not limited to, rights of access provided in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), highway rights-of-way granted under R.S. 2477, and rights granted under the General Mining Law of 1872, as amended.

Proposed paragraph (b)(4) would permit realignment of an existing road when it is causing irreparable resource damage in its current location. The road must be essential for public or private access, management, or public health and safety, and the damage cannot be corrected by maintenance.

Proposed paragraph (c) specifies that inventoried roadless areas in the Tongass National Forest will be addressed in a different way, as proposed in paragraph 294.13 (e). The notice of intent indicated that the Forest Service would determine whether or not the proposed rule should apply to the Tongass National Forest. The Forest Service is proposing to delay consideration of protecting inventoried roadless areas for the Tongass National Forest until April 2004, in light of recent Forest Plan decisions that conserve roadless areas and a Southeast Alaska economy that is in transition. The amount and distribution of roadless areas figured prominently in a 1997 Regional Forester decision for the Tongass Land Management Plan. In 1999, the Under Secretary for Natural Resources and the Environment issued a Record of Decision for the Tongass Land Management Plan in response to several appeals that identified issues related to roadless areas and the qualities they provide. The 1999 decision administratively protected

additional lands from road construction and extended harvest rotation in some areas, thus slowing the rate of road construction and harvest. Currently, 82 percent of the Tongass National Forest's approximate 17 million acres is allocated for land use prescriptions that prohibit or limit road construction.

With the recent closure of pulp mills and the ending of long-term timber sale contracts, the timber economy of Southeast Alaska is transitioning to a competitive bid process. About two-thirds of the total timber harvest planned on the Tongass National Forest over the next 5 years is projected to come from inventoried roadless areas. If road construction is prohibited in inventoried roadless areas, approximately 95 percent of the timber harvest within those areas would be eliminated. Under current circumstances, use of the Tongass National Forest's inventoried roadless areas for timber production contributes to the Forest Service's effort to seek to meet (within the meaning of section 101 of the Tongass Timber Reform Act) market demand for timber in the Tongass National Forest, consistent with providing for the multiple use and sustained yield of all renewable forest resources. However, with the continuing transition of the southeast Alaska timber market to an independent bid market, coupled with the long-term projected decline in timber demand for southeast Alaska timber, it is also possible that, by 2004 (when a review of the revised Tongass Land Management Plan is required), the long term demand for timber may be substantially reduced and market demand could be met consistent with protecting existing inventoried roadless areas. Hence, protection of these areas is excluded from proposed §294.12 and, as noted in subsequent discussion, the decision of whether to prohibit road construction is deferred until 2004, as provided in proposed paragraph 294.13 (e).

Proposed paragraph (d) would permit maintenance activities for classified roads included in an inventoried roadless area; however, reconstruction that would expand road size or use beyond the current level would not be permitted. The responsible official is expected to apply a science-based roads analysis when determining whether an unclassified road is needed for long-term management of National Forest System lands and should be classified and maintained.

Proposed § 294.13 Consideration of roadless area conservation during forest plan revision. This section of the proposed rule would require that the responsible official evaluate the quality and importance of the roadless area characteristics and determine whether and how the characteristics should be protected in the context of overall multiple-use objectives during forest plan revision. Under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (NFMA), the Secretary of Agriculture is required to “develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System” (16 U.S.C. 1604(a)). Land and resource management plans (also referred to as forest plans), in large part, furnish overall programmatic guidance for the management of individual national forests and grasslands. An approved land and resource management plan is the product of a comprehensive notice and comment process, which was established by Congress in the National Forest Management Act (NFMA). The land and resource management plan provides direction to ensure coordination of multiple uses (such as, outdoor recreation, range, timber,

watershed, wildlife and fish, and wilderness) and the sustained yield of products and services (16 USC 1604(e)).

Forest plan approval, amendment, and revision does not authorize, fund, or carry out any projects, unless specifically addressed in the document that discloses the decision. Projects are implemented through project-level, site-specific decisions, which are analyzed and disclosed to the public. The proposed rule would not alter this staged decisionmaking system for forest planning and project decisionmaking. However, the proposed rule would no doubt influence decisions made at each stage by requiring the consideration of roadless values and characteristics in the forest planning process. The prohibition against road construction and reconstruction in inventoried roadless areas, as described in proposed paragraph 294.12 (a), would establish a constraint on local decisionmaking, whether at the planning or project decisionmaking stage with respect to these areas. In contrast, the language in proposed § 294.13 imposes no specific, substantive constraint on local decisionmaking, but does add additional considerations at the time of the revision of forest plans. These supplemental requirements do not alter the forest planning and project decisionmaking processes.

Currently, all national forests and grasslands operate under land and resource management plans developed under the existing forest planning regulations at part 219 of title 36 of the Code of Federal Regulations. Plans are changed by revision and amendment. The National Forest Management Act requires revision of plans at least every 15 years, although revision may occur whenever circumstances affecting the entire plan area or major portions of the plan have changed significantly.

Proposed paragraph (a) provides that, during plan revision, the responsible official must evaluate the quality and importance of specified roadless area characteristics. Proposed paragraph (b) (1) would require that the evaluation be applied to the unroaded portions of inventoried roadless areas to determine whether additional management restrictions, over and above those required in proposed paragraph 294.12 (a), are appropriate. Proposed paragraph (b) (2) of this section sets out criteria for selecting other unroaded areas to be considered. At the time of forest plan revision, the responsible official must determine what unroaded areas are of a sufficient size, shape, and location to merit review. It is not the intent of the agency to create a situation where all unroaded areas, or areas of a certain size, must be mapped. The agency believes that the method of selection or delineation of unroaded areas for evaluation under § 294.13 (b) (2) is best left to the local official's judgment.

Proposed paragraphs (c) and (d) state that, following the evaluation of characteristics required in paragraph (a), the responsible official must determine, in the context of overall multiple-use objectives, whether and, if so, how the characteristics should be protected. Proposed paragraphs 294.13 (c) and (d) are set out in separate paragraphs to clarify that the requirement to determine whether the characteristics merit protection applies to the unroaded portions of inventoried roadless areas, in addition to the prohibitions in § 294.12, as well as to other unroaded areas. During plan revision, responsible officials would be required to evaluate the characteristics in the unroaded portions of inventoried roadless areas to determine whether additional protection is warranted over and above the prohibition on new roads. In addition, with respect to other unroaded areas, as identified in paragraph (b) (2), the responsible official must select areas in which the characteristics merit protection.

Proposed paragraph (e) identifies special review provisions for the Tongass National Forest. The responsible official would determine whether the prohibitions and provisions of paragraphs (a), (b), and (d) of § 294.12 should apply to any or all of the unroaded portions of inventoried roadless areas on the Tongass National Forest. In making that determination, the responsible official must consider, among other things, the provisions of section 101 of the Tongass Timber Reform Act. This section, amending Section 705 of the Alaska National Interest Lands Conservation Act, requires the agency to seek to provide a supply of timber from the Tongass National Forest that meets market demand, consistent with providing for the multiple use and sustained yield of all renewable resources, subject to appropriations, other applicable laws, and requirements of the National Forest Management Act of 1976. The responsible official's evaluation would be conducted in association with the 5-year review (beginning in April, 2004) of the April 1999 Tongass Land and Resource Management Plan, pursuant to 36 CFR 219 (10)(g). A forest plan amendment or revision would be initiated, including full opportunity for public involvement, if the responsible official determines that some or all of the inventoried roadless areas on the Tongass National Forest merit the protection provided by section 294.12.

Proposed paragraph (f) is intended to clarify that nothing in this section requires or allows a responsible official to overrule the § 294.12 prohibition on road construction or reconstruction in inventoried roadless areas during plan revision. The prohibitions established in proposed § 294.12 are permanent limitations, which may only be changed through rulemaking, not through forest plan amendment or revision.

The agency has identified eight broad characteristics of roadless areas.

Proposed Roadless Characteristics

(1) *Soil, water, and air.* These three key resources are the foundation upon which other resource values and outputs depend. Healthy watersheds provide clean water for domestic, agricultural, and industrial uses; help maintain abundant and healthy fish and wildlife populations; and are the basis for many forms of outdoor recreation. Healthy watersheds provide a steady flow of high quality water, maintain an adequate supply of water, and reduce flooding. Managing land uses to keep watersheds properly functioning and in natural balance is critical to maintaining watershed health and productivity. Roadless areas generally have attributes that promote watershed health, primarily because minimal ground-disturbing activities have occurred. Ground disturbing activities can accelerate erosion, increase sediment yields, and disrupt normal flow processes. Roadless areas maintain healthy and productive soils, which promote water entry into aquifers, minimize accelerated runoff, and provide for a diverse and abundant plant community important to both human and animal health. Roadless areas are less likely to suffer from human-caused landslides and other soil movement that fill streams with sediment and debris and disrupt normal stream processes. Roadless areas also have less dust and vehicle emissions, which reduce air quality, elevate human health risks, and diminish water quality. Roadless areas help maintain the high quality visibility that forest users seek when visiting the national forests.

(2) *Sources of public drinking water.* National Forest System lands contain watersheds that are important sources of public drinking water. Careful management of these watersheds is crucial in maintaining the flow of clean, cool water to a growing population. While some land management activities are already restricted in designated

municipal watersheds, multiple-use management is a common practice in most watersheds that serve as source areas for public drinking water. Allowing management activities that promote roadless characteristics while minimizing activities that increase pollution risk are critical steps in protecting public drinking water sources and in saving local communities the financial burden of the additional water filtration and treatment costs.

(3) *Diversity of plant and animal communities.* The diversity of plant and animal communities and the overall biodiversity supported by these areas represent an important part of the nation's natural heritage. Unroaded areas are more likely than roaded areas to support greater ecosystem health, including the diversity of native and desired non-native plant and animal communities, due to the absence of disturbances caused by roads and accompanying activities. Healthy ecosystems can be characterized by the degree to which ecological factors and their interactions are reasonably complete and functioning for continued resilience, productivity, and renewal of the ecosystem. Native plant and animal communities tend to be more intact in these less disturbed areas. Roadless areas also conserve native biodiversity, by providing a buffer against the spread of invasive species.

Conserving biodiversity offers many benefits to society. The public has recognized the importance of protecting species and ecosystems for their utilitarian, subsistence, and intrinsic values. Important benefits provided by healthy ecosystems, with diverse organisms and intact natural processes, include: (1) conservation of air, water, and soil quality and (2) sustainable levels of goods and services, including viable and desired levels of both game and non-game species. In addition to these important reasons for maintaining healthy ecosystems with a full component of biodiversity, many species are valuable for medicinal and agricultural purposes.

Protecting and maintaining biodiversity also provides the opportunity for the appreciation and enjoyment of natural beauty and gives future generations the chance to experience wild places, with their unique living plant and animal communities.

(4) *Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.* Roadless areas function as biological strongholds and refuges for many species. These areas help to maintain native species viability and biodiversity. Based on scientific estimates, over 500 United States species are known, or are suspected, to be extinct. Of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, approximately 25 percent of animal species and 15 percent of plant species are likely to have habitat within inventoried roadless areas in the National Forest System. Many of these areas, individually and cumulatively, play an important role in maintaining habitat that provides for species viability and biological diversity, and may be instrumental in preserving many threatened, endangered or sensitive species.

(5) *Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation.* In roadless areas, people have the opportunity to enjoy unique recreational experiences that are usually not available in more developed areas. These opportunities include the chance to experience renewal, isolation, independence, and closeness to nature in mostly undisturbed settings. The Forest Service manages environmental settings to provide, among other things, opportunities for recreational experiences. The Recreation Opportunity Spectrum (ROS Users Guide, FSM 2311 and

FSH 2309.27) was developed to provide a framework for classifying and defining segments of outdoor recreational environments, potential activities, and experiential opportunities.

The Recreation Opportunity Spectrum's settings, activities, and opportunities represent a continuum that is divided into six classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban. Inventoried roadless and other unroaded areas are characterized mainly by the primitive, semi-primitive non-motorized, and semi-primitive motorized classes.

Primitive and semi-primitive non-motorized classes often have many wilderness attributes; however, unlike wilderness, the use of mountain bikes and other mechanized means of travel, such as those used by people with disabilities, can be permitted. In addition, these classes have fewer restrictions on motorized tools, search and rescue operations, and aircraft use than in wilderness areas.

In semi-primitive motorized settings, there is little evidence of managerial control, yet these areas allow some motorized activities, such as: off-highway vehicle, over-snow vehicle, motorboat, and helicopter use; chainsaw and other motorized tool use; and appropriate motor vehicle use for other resource management activities. In addition, persons with disabilities have enhanced access capability in semi-primitive motorized class areas.

Inventoried roadless and other unroaded areas may provide outstanding opportunities for other dispersed recreational activities, such as hiking, fishing, camping, hunting, picnicking, wildlife viewing, cross-country skiing, and canoeing. All of these activities and those mentioned for the semi-primitive motorized class may occur in areas on the developed end of the spectrum, but the experience is different. Roaded natural, rural, and urban classes are characterized by increased interactions with other people, more sights and sounds of human development and activity, more management restrictions and controls, and more landscape modification resulting from resource management activities.

Inventoried roadless and other unroaded areas are the last remaining relatively undisturbed landscapes outside of wilderness and similarly designated areas. The demand for motorized and non-motorized recreation opportunities is increasing. As these lands continue to be developed, the supply of unroaded lands that are available for dispersed recreation is reduced.

(6) *Reference landscapes.* An objective on National Forest System lands is to create and maintain sustainable ecosystems that can support human needs indefinitely. To reach that goal, both human and ecological processes and their interactions must be understood. The body of knowledge about the effects of management activities over long periods of time and on large landscapes is very limited. However, there is an increasing emphasis on the importance of obtaining information about large-scale ecological patterns, processes, and the impact of management activities.

Reference landscapes can provide comparison areas for evaluation and monitoring. These areas provide a natural setting that may be useful as a comparison to study the effects of more intensely managed areas.

Reference areas are not intended to exclude all management activities. The management approach used for these lands should be directed by the assessment of local conditions and the questions and solutions sought by scientists, managers, and the public.

For example, reference areas may provide useful long-term information about approaches to restoring historical fire regimes and fuel loads in the intermountain West. In this case, various management scenarios can be applied: some areas may be allowed to burn only by wildland fire, some allowed to use prescribed fire, others allowed a combination of thinning and prescribed fire, and yet still other areas selected for fire suppression. By applying various management scenarios, the agency may better understand how to more effectively manage healthy diverse ecosystems.

(7) *Landscape character and scenic integrity.* High quality scenery, especially scenery with natural-appearing landscapes, is a primary reason that people choose to recreate. In addition, quality scenery contributes directly to real estate values in neighboring communities and residential areas.

Scenic quality is based on two definable elements - landscape character and scenic integrity. “Landscape character” is the overall visual impression of landscape attributes that provides a landscape with an identity and sense of place. It consists of the combination of physical, biological, and cultural attributes that makes each landscape identifiable and distinct. “Scenic integrity” is a measure of the wholeness or completeness of the visual landscape, including the degree of deviation from the overall landscape character. A landscape that is perceived to have minimal to no deviation from its natural landscape is rated as very high or high scenic integrity. Those landscapes that are heavily altered may have low to very low scenic integrity.

The scenic integrity of landscapes in inventoried roadless areas and other unroaded areas is generally high. However, altered landscapes, which exist in some of these areas due to activities such as mining, timber harvesting, grazing, and special uses, tend to have lower levels of scenic integrity.

(8) *Traditional cultural properties and sacred sites.* Traditional cultural properties are places, sites, structures, art, or objects that have played an important role in the cultural history of a group. Sacred sites are places that have special religious significance to a group. Traditional cultural properties and sacred sites may be eligible for protection under the National Historic Preservation Act. However, many of them have not yet been inventoried, especially those that occur in roadless areas.

Roadless areas may have traditional cultural properties and sacred sites, which are in a relatively unaltered state, thereby, maintaining their original character. There is reduced opportunity for vandalism, human disturbance, and unintended damage to these properties and sites in roadless areas because of the lack of disturbance in those areas.

Roadless areas also enhance the ability of groups to continue customary uses of traditional cultural properties and sacred sites. For example, many sacred sites are used by Native Americans for ceremonial purposes. These ceremonies may require privacy, which is possible due to the relative remoteness of roadless areas.

(9) *Other locally identified unique characteristics.* This optional provision is proposed to provide local officials, in partnership with interested members of the public, the opportunity to identify characteristics that are unique to a specific area. Inventoried roadless areas and other unroaded areas may offer unique characteristics and values, which are not covered by the other characteristics. Examples of additional characteristics might be uncommon geological formations, which are valued for their scientific and scenic qualities, or unique wetland complexes. While some of the unique characteristics may only have local importance, others could have regional or even global significance,

such as roadless areas that provide important stopover spots for long-ranging migratory birds. Such unique areas may become increasingly important, as other areas are developed.

Roadless areas may have unique social, cultural, or historical characteristics, which are dependent on the roadless character of the landscape. Examples of these characteristics include ceremonial sites, places for local events, areas prized for collection of non-timber forest products, exceptional hunting and fishing opportunities, or areas of historic significance.

In addition, the national requirement to evaluate characteristics of roadless areas, would safeguard many of the social values that are associated with those characteristics. These social values include: (1) the quality of human health through such actions as protecting air and water quality; (2) experiential values, such as appreciation of scenic beauty, solitude, and attachment to places or historical or cultural sites; (3) natural areas used for scientific research and teaching; and (4) other aspects, such as valuing the natural areas for their own sake or desiring to leave a legacy for future generations.

Proposed § 294.14 - - Scope and applicability. If the proposed rule is adopted, it would apply prospectively, not retroactively. This provision is essential to avoid disruption and confusion among Forest Service officials and the public. Any project or activity decision signed prior to the effective date of the final regulation would be allowed, but not required, to proceed. The date of the responsible official's record of decision, decision notice, or decision memorandum would be the authorization date.

Furthermore, road construction or reconstruction associated with ongoing implementation of long-term special use authorizations would not be prohibited. For example, all activities anticipated in an authorized ski area's master plan, including associated road construction, would not be barred even if a specific decision authorizing road construction has not been made as of the effective date of the final regulation. Subsequent authorizations would remain subject to all applicable laws, regulations, and permit requirements. Requests to expand permitted use would be subject to the prohibition in § 294.12.

The proposed regulation also clarifies that forest plan amendments would not be required when the final rule becomes effective. Just as development and approval of forest plans must conform to existing laws and regulations, forest plan management direction can be superseded by new laws or regulations. The Forest Service believes that requiring "conforming amendments" to forest plans would be redundant of the rulemaking process.

Local responsible officials' discretion to initiate land and resource management plan amendments, as deemed necessary, would not be limited by this provision. There may be instances where local officials elect to initiate amendment or revision of forest and grassland plans following final promulgation of this rule. Forest Service officials have several mechanisms that allow for evaluation of forest and grassland plan implementation, including plan-specific monitoring requirements, the 5-year review, the amendment and revision process, and, of course, project-level decisionmaking. A determination to amend or revise a land and resource management plan is based on a variety of factors. Forest Supervisors and Regional Foresters have substantial discretion in determining whether or not to initiate plan amendments or revisions.

Summary

The Forest Service believes that it is important to protect the roadless characteristics of unroaded areas within the context of its multiple-use mandate. The agency seeks to protect these characteristics in two ways. First, the proposed rule proposes to place a national prohibition on road construction or reconstruction in inventoried roadless areas. Second, responsible officials would be required to consider and evaluate the characteristics of all roadless areas, including inventoried areas and smaller or uninventoried areas, in the context of forest plan revisions. Although the proposed rule emphasizes the importance of the characteristics of unroaded areas, it does not propose to direct local managers to reach particular results. Rather, it is intended to allow them the flexibility to consider the values of these areas in the larger context of multiple-use management. The Forest Service invites written comments on both the draft environmental impact statement and the proposed rule and will consider those comments in developing the final environmental impact statement and the final rule. The final rule will be published in the **Federal Register**.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order (E.O.) 12866 on Regulatory Planning and Review. The Office of Management and Budget (OMB) has determined that this is a significant rule as defined by E.O. 12866 because of the level of public interest expressed in response to the notice of intent to prepare a draft environmental impact statement. Accordingly, OMB has reviewed this proposed rule. A cost-benefit analysis has been prepared and is summarized in the following discussion.

Summary of the results of the cost-benefit analysis

The agency has conducted a cost-benefit analysis on the impact of this proposed rulemaking. Table 2 presents the costs and benefits that the agency was able to quantify or qualitatively describe. The agency is soliciting public comment on all categories of costs and benefits and welcomes information to further describe these effects. Comments containing specific data to support estimates of potential costs and benefits will be most useful and are more likely to be incorporated into the agency's final cost-benefit analysis. The agency will make a reasonable effort to further pursue estimating the costs and benefits of this rulemaking, and will use the information gained in public comment to finalize the cost-benefit analysis to the extent feasible and appropriate.

Few of the benefits and costs associated with the proposed rule were quantifiable, and; therefore, many of the costs and benefits are described qualitatively. Although the analysis does not provide a quantitative measure of net benefits, the agency believes the benefits of the rule, as proposed, would outweigh the costs. Local level analysis cannot easily incorporate the economic effects associated with nationally significant issues. Therefore, the agency believes the aggregate transactions costs (costs associated with the time and effort needed to make decisions) of local level decisions would be much higher

than the transactions costs of a national policy, because of the controversy surrounding roadless area management.

Most of the benefits of the rule result from maintaining roadless areas in their current state, and therefore maintaining the current stream of benefits from these areas. The costs are primarily associated with lost opportunities, since the proposed rule, if finalized as proposed, would limit some types of activities that might have occurred in the future without this rule. Table 2 summarizes the potential benefits and costs of the rule, as proposed. The benefits and costs, described in Table 2, are associated with the requirement to prohibit road construction and reconstruction in the approximately 43 million acres of unroaded inventoried roadless areas.

Potential benefits of the prohibition on road construction

Undisturbed landscapes provide a variety of monetary and non-monetary benefits to the public. Many of these benefits are associated with the protection of ecological, social, and economic values in roadless areas.

Air and water quality would be maintained at a higher level than at the baseline (current management conditions). Higher water quality provides a higher level of protection for drinking water sources, reduces treatment costs at downstream facilities, and maintains the value of water-based recreation activities. Higher air quality protects values associated with visibility, including recreation and adjacent private property values.

A greater degree of protection of biological diversity and threatened and endangered species would occur if roads were prohibited in inventoried roadless areas as opposed to the baseline. As a result, ecological values would be maintained. Passive use values related to the existence of biological diversity and threatened and endangered species would be maintained, as well as values associated with protecting these areas for future generations.

A number of other benefits are associated with maintaining healthy wildlife and fish populations at a level higher than at the baseline. Some game species are likely to benefit from this protection, which would maintain quality hunting and fishing experiences both within the unroaded portions of inventoried roadless areas and beyond. Other types of recreation experiences, such as wildlife viewing, also would benefit.

Roadless areas are important in providing remote recreation opportunities. A greater number of acres in these recreation settings would be maintained than at the baseline. Remote areas are also important settings for many outfitter and guide services. Maintaining these areas increases the ability of the agency to accommodate additional demand for these types of recreation special use authorizations.

Roadless areas provide a remote recreation experience without the activity restrictions of wilderness use (for example, off-highway vehicle use and mountain biking). Maintaining roadless areas would likely lessen pressure on wilderness areas compared to the baseline.

The risk of introducing non-native invasive species would be reduced if road access were not available. This is beneficial to grazing permittees with allotments in roadless areas, and to collectors of non-timber forest products because forage quality and quantity, and forest products that cannot compete with invasive species would be maintained. The reduced probability of introduction would also be beneficial to forest

health in inventoried roadless areas, and would contribute to the maintenance of biological diversity.

Some planned timber sales into the unroaded portions of inventoried roadless areas would likely be below cost. To the extent that these sales would not take place, a financial efficiency savings would be realized.

Implementing the rule, as proposed, could result in agency cost savings. First, local appeals and litigation about some management activities in roadless areas could be reduced, which would avoid future costs. Secondly, the reduction in miles of roads constructed 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.

Potential costs of the prohibition on road construction

The prohibition on road construction and reconstruction would reduce roaded access to resources within the unroaded portions of inventoried roadless areas compared to the baseline. Roads are required for most timber sales to be economically feasible. For those sales that are financially profitable, the proposed rule would reduce net revenues. In addition to lost revenue, there would be fewer jobs (250 direct timber jobs) and less income (\$11.7 million in timber-related labor income per year) generated from timber harvest.

Receipts from timber sales would also decline, which would reduce payments to states by about \$1.4 million per year. Jobs associated with road construction and reconstruction for timber harvest and other activities would also be less than at the baseline. Somewhere between 6 and 32 direct jobs could be affected by reduced road construction and reconstruction.

The impact on mineral resources is expected to be greatest for leasable (such as oil, gas, coal, and geothermal) and saleable (such as sand, gravel, stone, and pumice) minerals, since development might not be economically feasible without road access. The agency also has more management discretion regarding whether to allow access to these commodities than locatables (metallic and nonmetallic minerals on public domain land). Exploration costs for locatable minerals may increase under the restrictions of this rule as well. The increase in exploration and development costs may reduce the number of leases relative to the baseline, which reduces the number of jobs, income, and payments to states associated with these activities. In the near term the impact is expected to be minimal, since there has been limited industry interest in most leasables on National Forest System lands.

New roads have the potential to reduce operating costs for other users, for example, grazing permittees and collectors of non-timber forest products by allowing faster and easier access. These potential cost reductions would not be realized if road construction is prohibited. However, it is unknown whether planned roads would in fact be useful to these groups, since their proximity to grazing allotments and desirable products is unknown.

New roads built for other purposes also provide additional access for recreationists, including hunters and anglers. The agency builds few roads for recreation purposes, and this pattern is unlikely to change. However, the costs imposed on these groups by not building new roads would be minimal, since the agency would close most of the roads built for resource extraction once the extraction is complete. Therefore, the

number of road miles that would be available for recreational or other uses would be small.

Opportunities for some types of recreation special uses may be limited in the future. Developed recreation use and roaded recreation uses in general are likely to occur at higher densities than under the baseline, since expansion into the unroaded portions of inventoried roadless areas would not occur. However, this expansion would be a small area in any particular year. The development of new ski areas would be unlikely.

Other, non-recreation special uses may be limited in the future as well. Such special uses include communication sites, and energy-related transmission uses (such as ditches and pipelines, and electric transmission lines).

Fewer acres of inventoried roadless areas would likely be treated for forest health purposes. Most moderate and high risk forests in inventoried roadless areas would be given a low priority for treatment, unless there was an imminent threat to public safety, private property, water quality, or threatened and endangered species. The change in the number of acres that potentially would be treated is small relative to the total acres at risk, but there could be a slight increase in the risk from catastrophic fire or insect and disease from reduced treatment opportunities.

Agency costs would increase compared to the baseline for some types of activities. Fuel treatment and other forest health treatment costs in the unroaded portions of inventoried roadless areas would increase.

The goods and services that could not be produced on the unroaded portions of inventoried roadless areas without road construction are likely to be produced either on other parts of National Forest System lands, or on other lands. Substitute production could result in adverse environmental effects on these other lands.

Potential costs and benefits of the requirement to consider roadless characteristics

The procedural provisions in the proposed rule do not directly implement or prohibit any ground-disturbing activity. The procedures are designed to give local decision-makers direction in design and implementation of local projects. The exact location and acreage of each potentially affected area is unknown. 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.

Since individual project proposals and local roadless characteristics are highly variable, estimating associated benefits and costs of implementing procedures would be speculative. Since it is reasonable to assume that the proposed procedural requirements would reinforce the effects achieved by the proposed requirements to prohibit road construction and reconstruction and that the procedural requirements would apply to a greater area than inventoried roadless areas, the economic effects are likely to be somewhat greater than the effects described by resource area.

Table 2. Summary of Costs and Benefits of the Prohibition on Road Construction in the Proposed Roadless Area Conservation Rule Compared to Continuation of Current Management Practices.

Potential Benefits	
<i>Category</i>	<i>Assessment Method</i>
Air quality maintained at higher level in roadless and unroaded areas	Qualitative discussion
Water quality maintained at higher level in roadless and unroaded areas	Qualitative discussion
Larger land base for dispersed recreation activities in remote settings in roadless and unroaded areas	Qualitative discussion
Quality of fishing and hunting maintained at higher level for recreation, commercial, and subsistence users in roadless and unroaded areas	Qualitative discussion
Forage quality for livestock grazing and some non-timber forest products maintained at higher level due to smaller probability of introduction of non-native invasive species	Qualitative discussion
Existence and bequest values maintained at higher levels because of increased protection of biological diversity and threatened and endangered species.	Qualitative discussion
Agency costs savings from reduced appeals and litigation on roadless management	Qualitative discussion
Agency cost savings of up to \$565,000 per year from reduced road maintenance costs	Agency estimate based on previous expenditures
Potential Costs	
Fewer timber related jobs: about 250 direct and 480 total jobs.	Agency estimate using TSPIRS ¹ data and IMPLAN ² model multipliers
Less timber related income per year: \$11.7 million direct income and \$21 million total income.	Agency estimate using TSPIRS data and IMPLAN model multipliers
Less timber-related payments to states, up to \$1.4 million per year.	Agency estimate using TSPIRS data and National Forest Fund receipts data
Fewer jobs associated with road construction, ranging from 6-36 jobs.	Agency estimate using previous expenditures and IMPLAN model multipliers
Increased exploration and development costs for leasable minerals (such as oil, gas, coal, geothermal)	Qualitative discussion
Increased exploration costs for locatable minerals (metallic or nonmetallic minerals)	Qualitative discussion
Increased exploration costs for saleable minerals (such as sand, stone, gravel, pumice)	Qualitative discussion
Increased operating costs for grazing permittees and collectors of non-timber products	Qualitative discussion
Reduced opportunities for roaded recreation	Qualitative discussion
Decline in special-use authorizations (such as communications sites, electric transmission lines, pipelines)	Qualitative discussion
Fewer opportunities for forest health treatments	Qualitative discussion
¹ TSPIRS is the Forest Service's Timber Sales Program Information Reporting System	
² IMPLAN (Impact Analysis for Planning) is the input-output model used by the Forest Service	

Summary of the results of the initial regulatory flexibility analysis

For any agency that is subject to the notice and comment requirements of 5 U.S.C. 553 or any other law, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) directs that the agency prepare and make available for public comment an initial regulatory flexibility analysis. If the agency determines that the rulemaking will not have a significant impact on a substantial number of small entities, the initial regulatory flexibility analysis requirement does not apply, but the agency must make a certification of no significant impact.

The Forest Service expects that this roadless area conservation rulemaking will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (RFA). Moreover, because the proposed rule does not directly regulate small entities, the Forest Service does not believe that an initial regulatory flexibility analysis is required. Nevertheless, given the significant public interest in the rulemaking and the comment received on this specific issue during the scoping process, the agency has prepared an initial regulatory flexibility analysis. Public comment is invited on the initial regulatory flexibility analysis, a summary of which follows. The full analysis is available upon request by calling the telephone number noted in the FOR FURTHER INFORMATION CONTACT section of this document and on the world wide web at roadless.fs.fed.us/.

Data for linking the proposed rule to effects on small businesses is limited. The agency does not typically collect information about the size of businesses that seek permission to operate on National Forest System lands.

The rulemaking has the potential to affect a subset of small businesses that may seek opportunities on National Forest System lands in the future. The primary effect of the rule, when finalized, is the potential to affect the future supply of outputs or opportunities for businesses. The effect of the rulemaking on local governments is tied to any possible reductions in commodity outputs in cases where some portion of federal receipts is returned to the states for distribution to counties.

Small businesses in the wood products sector most likely to be affected are logging and sawmill operations. Reductions in the harvest of softwood sawtimber, particularly in the western United States are most likely to affect small businesses, since these sectors are dominated by small business. With the exception of the Forest Service Intermountain Region (Utah, Nevada, western Wyoming, and southern Idaho), reductions in harvest are estimated to range from less than 1 percent to 2 percent. The reduction in the Intermountain Region is estimated to be 8 percent.

Small businesses in the mineral sector most likely to be affected are businesses that develop saleable minerals such as sand and gravel, and leasable minerals such as oil, gas, and coal. The prohibition on road construction and reconstruction could reduce opportunities in the future to develop mineral commodities that cannot be extracted without road access. Small businesses are more likely to be involved in the development of saleable minerals, and less likely to be involved in development of energy minerals.

The potential effects on small businesses involved in livestock grazing and the collection of non-timber forest products are expected to be negligible. There will be fewer roads available for their future use under the proposed rule, but the number of miles is minor compared to the entire National Forest System road system.

Special use authorizations on National Forest System land could be affected by the proposed rule, if road access is required. Most of the special uses potentially affected are dominated by large businesses, such as businesses in communication, electric services, gas production and distribution, and resort development. Small businesses with outfitter and guide permits are expected to benefit from the proposed rule, since these businesses are often dependent on providing services to recreation users interested in remote recreation activities that are often found in inventoried roadless and other unroaded areas.

The proposed rule is also likely to affect small governments that qualify as small entities. Many small communities around National Forest System lands receive a portion of receipts from commodity sales on National Forest System lands. A reduction in commodity production is likely to reduce revenues to these entities, although the estimated reduction is expected to be small in most regions. The estimated reduction in payments to states related to timber receipts would be about 1 to 2 percent, except in the Intermountain Region, where the reduction is estimated to be 8 percent.

The agency is soliciting comment and information on the potential impacts that this proposed rule and the alternatives to this rule (detailed in the Draft Environmental Impact Statement) might have on small entities. (Pursuant to the Regulatory Flexibility Act, these entities include small businesses, small organizations, and small governmental jurisdictions.) The agency welcomes information on the number and types of small entities potentially impacted and the significance of these potential impacts, specifically information about potential costs, changes in revenue or prices, regional or community-level impacts, and characteristics of the potentially impacted entities. The agency also welcomes suggestions from the public on how alternatives to this rule may minimize the impacts on small businesses. For more information on the agency's small entity impact analysis, including a list of specific questions on small entity impacts to which the agency is seeking responses from the public, please see the Initial Regulatory Flexibility Analysis, available at the website address listed under ADDRESSES or by calling the telephone number listed under the FOR FURTHER INFORMATION CONTACT sections of the preamble. The agency will use the information provided to make a determination on the regulatory flexibility analysis needed at the final rule stage.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 USC 1531-1538), the Department has assessed the effects of this proposed rule on state, local, and tribal governments, and on the private sector. This proposed rule does not compel the expenditure of \$100 million or more by any state, local, or tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Environmental Impact

The agency has elected to prepare a draft environmental impact statement in concert with this proposed rule. This document may be obtained from various sources as indicated in the "ADDRESSES" section of this document. Reviewers are encouraged to

include comments on the draft environmental impact statement along with any comments submitted on the proposed rule.

No Takings Implications

This proposed rule has been reviewed for its impact on private property rights under Executive Order 12630. It has been determined that this proposed rule does not pose a risk of taking Constitutionally-protected private property; in fact, the proposed rule honors access to private property pursuant to statute and to outstanding or reserved rights.

Civil Justice Reform Act

This proposed rule revision has been reviewed under Executive Order 12988, Civil Justice Reform. The proposed revision: (1) preempts all state and local laws and regulations that are found to be in conflict with or that would impede its full implementation; (2) does not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of National Forest System lands, and (3) does not require administrative proceedings before parties may file suit in court challenging these provisions.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR Part 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 USC 3501, et seq.) and implementing regulations at 5 CFR Part 1320 do not apply.

Federalism

The agency has considered this proposed rule under the requirements of Executive Order 12612 and has made a preliminary assessment that the proposed rule will not have substantial direct effects on the states, on 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 on federalism implications is necessary at this time. In addition, the agency has reviewed the consultation requirements under Executive Order 13132, effective November 2, 1999. This new Order calls for enhanced consultation with state and local government officials and emphasizes increased sensitivity to their concerns.

In the spirit of these new requirements, Forest Service line officers in the field were asked to make contact with tribes to ensure awareness of the initiative and of the rulemaking process. Outreach to tribes has been conducted at the national forest and grassland level, which is how Forest Service government-to-government dialog with tribes is typically conducted.

Outreach to state and local governments has taken place both in the field and Washington offices. Forest Service officials have contacted state and local governmental officials and staffs to explain the notice of intent and the rulemaking process. The agency has met with and responded to a variety of information requests from local officials and state organizations, such as the National Governors Association and the Western Governors Association.

Also, the agency has carefully considered, in the development of this proposed rule, the comments received from states, tribes, and local governments in response to the Notice of Intent to Prepare an Environmental Impact Statement published October 19, 1999 (64 FR 56306). Following publication of this proposed rule, the agency will meet with state, tribal, and local government officials to explain and clarify the proposed rule and the accompanying environmental impact statement. Finally, prior to adopting a final rule, the agency will consider the extent to which additional consultation is appropriate under Executive Order 13132.

Conclusion

The Forest Service proposes to prohibit road construction in inventoried roadless areas with certain limited exceptions. In addition, the agency proposes to require responsible officials to consider and evaluate roadless characteristics at the time of forest plan revision. The Forest Service invites written comments and will consider those comments in developing the final rule that will be published in the Federal Register and in preparing the Final Environmental Impact Statement.

List of Subjects in 36 CFR Part 294

National forests, Navigation (air), Recreation and recreation areas, and Wilderness areas.

For the reasons set forth in the preamble, the Forest Service proposes to amend Chapter II of Title 36 of the Code of Federal Regulations as follows:

PART 294 – SPECIAL AREAS

1. Amend part 294 by adding subpart B to read as follows:

Subpart B - Protection of Roadless Areas

Sec.

294.10 Purpose.

294.11 Definitions.

294.12 Prohibition on road construction in inventoried roadless areas.

294.13 Consideration of roadless characteristics.

294.14 Scope and applicability

Subpart B - Protection of Roadless Areas

Authority: 16 U.S.C. 1131, 1608, 1613; 16 U.S.C. 551, 472; 23 U.S.C. 201, 205

§ 294.10 Purpose.

The 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.

§ 294.11 Definitions.

The following definitions apply to this subpart:

Inventoried roadless areas. Undeveloped areas typically exceeding 5,000 acres that met the minimum criteria for wilderness consideration under the Wilderness Act and that were inventoried during the Forest Service's Roadless Area Review and Evaluation (RARE II) process, subsequent assessments, or forest planning. These areas are identified in a set of inventoried roadless area maps, contained in *Forest Service Roadless Area Conservation, Draft Environmental Impact Statement, Volume 2*, dated May 2000, which are held at the National headquarters office of the Forest Service.

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

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

(1) *Classified road.* A road within the National Forest System planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads.

(2) *Unclassified road.* A road 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.

Road construction. A capital improvement that results in the addition of new road miles to the forest transportation system.

Road maintenance. The ongoing minor restoration and upkeep of a road necessary to retain the road's approved traffic service level.

Road reconstruction. A capital improvement that requires the alteration or expansion of a road and usually results in realignment, improvement, or rebuilding as defined as follows:

(1) *Realignment.* Construction activities that result in the new location of an existing road or portions of roads in order to expand its capacity, change its original design function, or increase its traffic service level. The investment may include decommissioning the abandoned sections of roadway.

(2) *Improvement.* Construction activities that are needed to increase a road's traffic service level, expand its capacity, or change its original design function.

(3) *Rebuilding.* Construction activities that are needed to restore a road to its approved traffic service level and that result in increasing its capacity or changing its original design function.

Unroaded area. Any area, without the presence of a classified road, of a size and configuration sufficient to protect the inherent characteristics associated with its unroaded condition.

Unroaded portion of an inventoried roadless area. A portion of an inventoried roadless area in which no classified road has been constructed since the area was inventoried.

§ 294.12 Prohibition on road construction and reconstruction in inventoried roadless areas.

(a) Roads may not be constructed or reconstructed in the unroaded portions of inventoried roadless areas of the National Forest System, except as provided in paragraphs (b) through (c) of this section. This prohibition covers classified and unclassified roads.

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

(1) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property;

(2) 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;

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

(4) Road realignment is needed to prevent irreparable resource damage by an existing road that is deemed essential for public or private access, management, or public health and safety, and such damage cannot be corrected by maintenance.

(c) The prohibition in paragraph (a) of this section does not apply to the Tongass National Forest, except as provided for in § 294.13(e).

(d) The responsible official may maintain classified roads that were constructed in inventoried roadless areas prior to the effective date of this rule.

§ 294.13 Consideration of roadless area conservation during forest plan revision.

(a) At the time of land and resource management plan revision, for the areas listed in paragraph (b) of this section, the responsible official must evaluate the quality and importance of the following characteristics:

(1) Soil, water, and air;

(2) Sources of public drinking water;

(3) Diversity of plant and animal communities;

(4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;

(5) Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation;

(6) Reference landscapes;

(7) Landscape character and scenic integrity;

(8) Traditional cultural properties and sacred sites; and

(9) Other locally identified unique characteristics.

(b) The evaluation of characteristics required in preceding paragraph (a) applies to the following areas:

(1) The unroaded portions of inventoried roadless areas, and

(2) Unroaded areas (other than inventoried roadless areas) that, in the judgment of the responsible official, are of a sufficient size, shape, and position within the landscape to reasonably achieve the long-term conservation of the characteristics in paragraph (a) of this section. Such areas may include those that provide important corridors for wildlife movement, or areas that share a common boundary of considerable length with an inventoried roadless area, with a component of the National Wild and Scenic River System, or with unroaded areas of 5,000 acres or more on lands administered by Federal agencies. In selecting areas, the responsible official should consider the distance from, and the scarcity of, other unroaded areas, particularly for those areas east of the 100th meridian.

(c) At the time of land and resource management plan revision, based on the evaluation required by paragraph (a) of this section, the responsible official must determine, in the context of overall-multiple use objectives, whether management protections, in addition to those set forth in § 294.12, should apply to the unroaded portions of inventoried roadless areas.

(d) At the time of land and resource management plan revision, based on the evaluation required by paragraph (a) of this section, the responsible official must determine with respect to unroaded areas, other than inventoried roadless areas, in the context of overall multiple-use objectives, which areas warrant protection and the level of protection to be afforded.

(e) As part of the 5-year review of the April 1999 revised Tongass Land and Resource Management Plan pursuant to §219.10 (g) of this chapter, the responsible official must initiate an evaluation pursuant to paragraph (a) of this section for the unroaded portions of inventoried roadless areas in the Tongass National Forest and must determine whether the prohibitions and provisions in §294.12 (a), (b), and (d) should be applied to any or all of such inventoried roadless areas. In making that determination, the responsible official must consider the provisions of section 101 of the Tongass Timber Reform Act.

(f) No provision in this section authorizes the responsible official to reconsider or set aside the prohibition established in § 294.12.

§ 294.14 Scope and applicability.

(a) This subpart does not suspend or modify any existing permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System land.

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

(c) This subpart does not suspend or modify any decision made prior to [Effective date of final rule].

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

/s/ Mike Dombeck

Mike Dombeck
Chief

April 21, 2000

Dated