

	August 2009 Draft Petition	April 2010 Colorado Final Petition	Comments
Inventory –			
Upper Tier Management Category	Not included	257,000 acres within CRAs have been codified as ‘Upper Tier’. Within these specific CRA acres will tree-cutting exceptions will be allowed, but road construction exceptions will be prohibited.	Colorado Final Petition codifies existing Forest Plan direction that is more restrictive than the petition in terms of road construction for about 257,000 CRA acres.
Definitions –			
Community Protection Zone (CPZ)	An area extending one and one-half miles from the boundary of an at-risk community.	Defines the CPZ in terms of HFRA – from the boundary of an at-risk community the first ½ mile is a default. Up to an additional 1 mile, only if one of three conditions are met– 1 – sustained steep slope that creates the potential for wildfire behavior endangering the community 2 – a geographic feature that aids in creating an effective fire break, or 3 – is in condition class 3. In addition, a valid Community Wildfire Protection Plan must be in place.	Colorado Final Petition uses HFRA definition of at-risk community and CPZ is based on the HFRA definition of WUI. The largest a CPZ could be is 1 ½ miles only if an at-risk community was surrounded by a CRA, has met the HFRA conditions for the additional mile and a CWPP is in place. There are no opportunities for the CPZ to be larger than 1 ½ miles.
Linear Construction Zones (LCZ)	Not specifically defined	An area of surface disturbance over 50-inches wide that is used for motorized transport by vehicles or construction equipment and is not engineered to road specifications. Allowed only under 3 specific exceptions – water conveyances, power lines, pipelines.	Colorado Final Petition specifically addresses linear construction zones.
Tree-cutting, Sale or Removal			
Tree-cutting, Sale or Removal General Requirements –			
Decision maker	Responsible Official, could be Regional Forester, Forest Supervisor, or District Ranger	All tree-cutting, sale or removal projects to be determined as needed and meeting all requirements by the Regional Forester.	Colorado Final Petition elevates level of authority for all tree-cutting, sale and removal projects in CRAs.
Consistent with Forest Plan direction	All exceptions will be consistent	All exceptions will be consistent.	No change.
Expected to be infrequent	Language was not included	Applies to tree-cutting beyond the CPZ for a municipal water supply system and any tree-cutting for insect and disease treatments.	For the Colorado Final Petition, these types of projects are expected to infrequent.

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Cutting, sale or removal of generally small diameter timber	Requires that projects 'retain large trees to the maximum extent practical as appropriate to the forest type, provided their retention does not compromise meeting the objective of reducing wildfire hazard effects.' Applies to the tree-cutting exceptions for wildfire hazard for at-risk communities and municipal water supply systems both within and beyond the CPZ.	Requires that projects 'focus on small diameter trees to create strategic fuel breaks that modify fire behavior while retaining large trees to the maximum extent practical as appropriate to the forest type.' Applies to the tree-cutting exceptions for wildfire hazard for at-risk communities and municipal water supply systems (all within the CPZ).	The Colorado Final Petition language is from HFRA and combines small diameter and large diameter considerations.
Maintain or improve one or more of the roadless area characteristics	For all tree-cutting exceptions- There is no reasonable option that could achieve an equivalent objective with less adverse effects to one or more roadless characteristic over the long-term.	Maintain or improve one or more of the roadless area characteristics over the long-term . Requirement applies to the two wildfire hazards, the insect and disease, and the TES habitat exceptions.	Colorado Final Petition recognizes that some disturbance may occur in the short-term, but that over the long-term, roadless area characteristics will be maintained or restored. Final Petition language changed to match more closely the Idaho Roadless Rule, and the 2001 Rule.
Tree-Cutting, Sale or Removal Exceptions –			
Reduce wildfire hazard to at-risk communities or municipal water supply systems <u>within CPZ</u>	Allows tree-cutting to reduce the wildfire hazard to a municipal water supply system; or within the first ½ mile of a CPZ to reduce the wildfire hazard to an at-risk community; or within the next 1-mile of a CPZ to reduce the wildfire hazard to an area identified in a CWPP as a high priority area for treatment.	Allows tree-cutting to reduce the wildfire hazard to at-risk communities and municipal water supply systems: Within the first ½ mile of a CPZ or Within an additional 1 mile (if conditions are met) if identified within a CWPP.	Colorado Final Petition limits projects beyond the first ½ mile of the CPZ to just those areas that both meet additional HFRA standards and are within an area identified in a CWPP. If a community at-risk does not have a CWPP, projects can only occur in the first ½ mile of the CPZ.
Reduce wildfire hazard to municipal water supply systems <u>beyond the CPZ</u>	Allows tree-cutting where the Regional Forester has determined there is a substantial risk that a wildland fire disturbance event could adversely affect a municipal water supply system or where a CWPP identifies a high priority area for treatment.	Allows tree-cutting only for municipal water supply system or the maintenance of that system if the Regional Forester determines there is significant risk of a wildland fire disturbance event.	Colorado Final Petition limits tree-cutting beyond the CPZ to only those situations where the Regional Forester determines there is a need to treat a municipal water supply system.
Insect and disease epidemics	Allows tree-cutting to prevent or suppress an insect or disease epidemic. There are four determinations* (see page 6) to be made. There is a matching temporary road exception for the first ½ mile of the CPZ only.	Allows tree-cutting to prevent or suppress an insect or disease epidemic. There are four determinations* (see page 6) to be made. There is a matching temporary road exception for the first ½ mile of the CPZ only.	No change.

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Improve habitat for TESP	Allows tree-cutting for TESP habitat improvement with DOW coordination.	Allows tree-cutting for TESP habitat improvement with DOW coordination.	No change.
Cutting of trees is incidental	Allows timber-cutting.	Allows tree-cutting.	No change.
For personal or administrative use	Allows timber-cutting.	Allows tree-cutting.	No change.
Road Construction/Linear Construction Zones –			
Road Construction/LCZ General Requirements –			
No opportunity to implement outside a CRA without causing substantially greater environmental impact (1)	General road construction requirement #1, applies to all road exceptions.	Not included.	It was determined for the Final Petition that exceptions for road construction are specific for accessing a resource or project (e.g. CERCLA) and thus a need to access the CRA.
Motorized access, without road or LCZ, is not technically feasible (2)	General road construction requirement #2, applies to all road exceptions.	General road construction requirement #2, applies to all road exceptions.	Colorado Final Petition requires looking at options that do not construct a road for access first, moving equipment in without a road, or using an ATV, etc.
Within a native cutthroat trout catchment or identified recovery watershed, road or LCZ construction will not diminish conditions in the WIZ and in the native cutthroat trout habitat (3)	No requirement.	General road construction requirement #3, applies to all road exceptions.	Colorado Final Petition requires all road construction not diminish native trout habitat conditions if project is within a native cutthroat trout catchment or identified recovery watershed.
Project is consistent with forest plan direction (4)	General road construction requirement #4, applies to all road exceptions.	General road construction requirement #4, applies to all road exceptions.	No change.
When proposing a forest road, that a temp road would not provide reasonable access (5)	General road construction requirement #5, applies to all forest road exceptions.	General road construction requirement #5, applies to all forest road exceptions.	Colorado Final Petition requires the lowest level of road that still gives required access be used, even if exception would allow a higher level of road.
Road Construction – Implementation/ Management	Any roads constructed will minimize effect to surface resources. Temporary and long-term temporary roads will be decommissioned after use. Temporary and long term-temporary roads will not be turned into Forest roads (unless under an exception). Roads constructed will not be open to public use.	Any roads constructed will minimize effect to surface resources. All roads will be decommissioned after use. Temporary and long term-temporary roads will not be turned into Forest roads (unless under an exception). Roads constructed will not be open to public use.	All road construction under Colorado Final Petition will minimize effects, have limited use and be decommissioned after use.

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Road Construction/LCZ Exceptions –			
CERCLA, Clean Water Act, Oil Pollution Act	Allows road construction if general road requirements 1, 2, 4 and 5 are met (see above).	Allows road construction if general road requirements 2- 5 are met (see above).	No change.
Reserved outstanding rights, statute, or treaty	Allows road construction if general road requirements 1, 2, 4 and 5 are met (see above).	Allows road construction if general road requirements 2- 5 are met (see above).	No change.
Road realignment	Allows road construction if general road requirements 1, 2, 4 and 5 are met (see above).	Allows road construction if general road requirements 2- 5 are met (see above).	No change.
Road reconstruction for safety	Allows road construction if general road requirements 1, 2, 4 and 5 are met (see above).	Allows road construction if general road requirements 2- 5 are met (see above).	No change.
Federal Aid Highway projects	Allows road construction if general road requirements 1, 2, 4 and 5 are met (see above).	Allows road construction if general road requirements 2- 5 are met (see above).	No change.
Water conveyance structures	Allows road construction for water conveyance structures including those operated in connection with a state water right decree issued or applied for prior to the date of the rule. Must meet general road requirements 1, 2, 4, and 5 (see above).	Allows road construction or LCZ for authorized water conveyance structures with a pre-existing water court decree. No allowances for future water conveyance structures. Must meet general road requirements 2-5 (see above).	Colorado Final Petition limits the number of future water conveyance structures that may be allowed road access to only those with a pre-existing water court decree.
Catastrophic events/public health and safety	Allows temporary road construction in case of a threat of a catastrophic event if general road requirements 1, 2, and 4 are met (see above).	Allows temporary road construction in case of a threat of a catastrophic event if general road requirements 2-4 are met (see above).	No change.
Reduce wildfire hazard to at-risk communities or municipal water supply systems <u>within a CPZ</u>	Allows temporary road construction to facilitate tree-cutting to reduce wildfire hazard; Within the first half mile of the CPZ, or Within the next 1 mile of the CPZ to reduce the wildfire hazard to an area identified in a Community Wildfire Protection Plan as a high priority area for treatment.	Allows temporary road construction to facilitate tree-cutting to reduce wildfire hazard; -Within first ½ mile of the CPZ, or -Within the next 1 mile of the CPZ (if conditions are met) and there is CWPP.	Colorado Final Petition limits these projects in the additional 1 mile of the CPZ to only where the area is identified in a CWPP – otherwise, projects can only occur in the first ½ mile of the CPZ. There is no road construction allowed outside the CPZ for this exception.
Insect and disease treatments	Allows temporary road construction only within the first ½ mile of the CPZ to facilitate tree-cutting if the RF determines it is needed.	Allows temporary road construction only within the first ½ mile of the CPZ to facilitate tree-cutting if the RF determines it is needed.	No change.

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Electrical power and telecommunication lines	No exception for roads, would have allowed LCZs	Allows temporary road construction or LCZ for existing power lines/telecommunication lines if the RF determines there is a need (must meet general road requirements 2-4 above), and for future lines if the responsible official determines there is no other alternative route outside of CRAs without causing substantially greater environmental damage.	Colorado Final Petition is a two-step process for future power line/telecommunication lines: 1) determine that line the needs to be located within a CRA, and 2) that construction or maintenance of the line requires a temporary road or LCZ.
Oil and Gas and Coal Leases			
Oil and gas pipeline connections within roadless areas	Allows temporary road construction for existing and future pipelines that connect to infrastructure within a CRA if the RF determines there is a need and general road requirements 1, 2 and 4 are met (see above).	Allows temporary road construction or LCZ for existing and future pipelines that connect to infrastructure within a CRA if the RF determines there is a need and general road requirements 2-4 are met (see above). The pipeline must connect to infrastructure within the CRA and the RF must determine that the connection to infrastructure within a CRA would cause substantially less environmental damage than alternative routes.	Colorado Final Petition is a three-step process for pipelines within CRAs: 1) determine that the pipeline can connect to infrastructure within a CRA, 2) determine such a route would cause substantially less environmental damage than alternate routes outside of CRAs, and 3) that a temporary road or LCZ be allowed in order to make the pipeline connection.
Oil and gas leases	Allows temporary and long-term temporary road construction for existing leases. No road construction for future leases.	Allows temporary and long-term temporary road construction for existing leases. No road construction for future leases.	No change.
Environmental conditioning for oil and gas leases	Include eight conditions** for inclusion within environmental analysis pursuant to NEPA for existing oil and gas leases that do not prohibit road construction or reconstruction for inclusion in Surface Use Plans of Operation.	Include eight conditions** for inclusion within environmental analysis pursuant to NEPA for existing oil and gas leases that do not prohibit road construction or reconstruction for inclusion in Surface Use Plans of Operation.	No change.
Coal production	Allows temporary and long-term temporary road construction for existing coal leases. And allows temporary and long-term temporary road construction coal exploration and production within the North Fork Coal Mining area, defined specifically at 29,000 acres. Allows some pipeline installation for collection of methane within road ROW.	Allows temporary and long-term temporary road construction for existing coal leases. And allows temporary and long-term temporary road construction coal exploration and production within the North Fork Coal Mining area, defined specifically at 20,000 acres. Allows some pipeline installation for collection of methane within road ROW.	Colorado Final Petition removed 9,000 acres of the Currant Creek CRA from the North Fork Coal Mining Area exception.

***4 determinations for insect and disease tree-cutting, sale and removal within CRAs.**

- i. determine the opportunity and effectiveness of the treatment for reducing insect or disease damage,
- ii. weigh the potential effects of the insect or disease epidemic on roadless area characteristics over the long-term,
- iii. weigh the potential effects of the insect or disease epidemic on resource values outside of Colorado Roadless Areas, and
- iv. determine the beneficial and adverse effects of tree-cutting within a Colorado Roadless Area.

****8 considerations for inclusion in oil and gas surface use plans of operations for existing leases in CRAs.**

- i. To the extent possible, and without compromising health and safety standards, roads, well sites and facilities shall be located on pre-existing areas of surface disturbance, and project design shall minimize the amount of necessary temporary or long-term temporary road construction or reconstruction.
- ii. Environmental analysis for proposed operations shall include an alternative that addresses directional drilling on multi-well sites on pre-existing disturbance. Such an alternative can be dismissed from detailed analysis with clear justification.
- iii. For leases partially within Colorado Roadless Areas, road construction shall, to the extent practical, be restricted to portions of the lease outside of Colorado Roadless Areas except when doing so will be substantially more environmentally damaging, compromise safety standards, or is unfeasible due to topography or surface conditions.
- iv. To the extent feasible, reclamation of surface disturbances shall be performed incrementally to minimize the total area of disturbance at any given point in time during the exploration or development of a lease.
- v. To the extent feasible, temporary or long-term temporary roads and facilities shall be designed to blend with the terrain to minimize visual impacts and to facilitate restoration when the road is no longer needed.
- vi. Wherever possible and consistent with other health and safety standards, power lines, flow lines and pipelines shall be co-located within the right-of-way of roads to minimize the area of surface disturbance.
- vii. New and developing low impact techniques and technologies shall be considered and either dismissed or applied as appropriate, with justification.
- viii. The best available technology shall be utilized to the extent possible to minimize noise and air emissions.