



USDA Forest Service

Introduction to the Proposed Colorado Roadless Rule

Key Points regarding the Proposed Colorado Rule:

The proposed Colorado Roadless Rule is a national regulation, specific to Colorado, that would provide for the conservation and management of approximately four million roadless acres of National Forest System lands in Colorado.

The proposed Colorado Roadless Rule strikes a balance between maintaining roadless characteristics and addressing the specific needs of Colorado and its citizens, now and into the future.

The proposed CO Rule does two things: 1) Establishes Colorado roadless areas by accurately identifying areas with roadless character and 2) Provides prohibitions on road construction and tree-cutting in those roadless areas.

The proposed Colorado Roadless Rule is based on the recommendations of the State of Colorado's Roadless Taskforce which held 9 public hearings and received over 40,000 written comments. Specifically the proposed rule:

- More accurately identifies and aligns roadless and roaded acres, adding 300,000 acres to roadless protection and removing 520,000 roaded (substantially-altered) acres from the roadless inventory.
- Would remove approximately 8200 acres from the roadless inventory for existing ski areas that are within permit boundaries or allocated in forest plans.
- Would not allow road construction for the exploration and development of oil and gas resources in roadless areas on oil and gas leases issued after the effective date of the rule
- Adds road use restrictions and restoration requirements for all roads, providing additional protections not found in the 2001 rule.

Some of the exceptions to the road-construction prohibitions in the Colorado Roadless Rule are similar to the exceptions in the 2001 Roadless Rule. Many of the exceptions unique to Colorado's rule are limited and short-term. Any proposals for such projects would be subject to National Environmental Policy Act (NEPA) analysis as in the 2001 Rule.

Colorado specific exceptions:

- Long-term temporary road construction may be allowed for coal exploration and coal-related surface activities in Colorado Roadless Areas within the North Fork Coal area (approximately 29,000 acres).
- Temporary road construction may be permitted within Wildland Urban Interface areas and Community Wildfire Protection Plans for fuel treatment activities, if all other rule requirements are met.
- Temporary or permanent (forest) road construction or re-construction may be permitted for existing and future grazing and utility and water conveyances. This could occur only in areas where road-construction/re-construction is allowed under the forest plan.

Questions we've been asked:

Why is road construction allowed on oil and gas leases if the lease is within a roadless area? Road construction may be allowed on some existing oil and gas leases in roadless areas on National Forest System lands in Colorado because the leases were issued at a time when there were no prohibitions on road construction for that geographic location. Such leases include terms which permit road construction for exploration and development of the resource. Oil and gas leases in this category include leases issued when no roadless rule was in effect, such as those issued prior to the expected effective date of the 2001 Rule (January 12, 2001) and also some of the leases issued between January 12, 2001 and Sept. 19, 2006 - the 2001 Rule was not in effect during most of this period. All such leases were issued in compliance with existing law, regulation and policy including forest plan direction. Thus, regardless of whether the Colorado Roadless Rule becomes final, there could be future road construction on oil and gas leases in roadless areas.

What is a long-term temporary road and why are they proposed for oil, gas and coal roads? The term was created to address several issues:

- a. Accommodate the State's request that only temporary (as opposed to permanent) roads be allowed for oil, gas and coal roads; i.e. coal leases in the North Fork coal areas and for existing oil and gas leases;
- b. Acknowledge the difference between most temporary roads (only in existence less than 1-3 years) and oil, gas and coal roads which are often in use for 10, 20, 30 or more years;
- c. Provide a mechanism for tracking oil, gas and coal roads on the agency's forest road system. Currently the agency definition for temporary roads states that temporary roads are not included on the road system.

How would the roadless rule relate to Travel Management? This rule does not affect current motorized access nor does it provide direction or guidance for locations of motorized trails. Such direction is determined in a separate and independent travel management process.

How would the proposed rule relate to a Forest Plan? The Colorado Roadless Rule is designed to provide a standard that limits road construction and tree-cutting in roadless areas and it would supersede any Forest Plan direction that conflicts with Rule language. While the Forest Plan provides overall management direction for both roaded and roadless areas within a national forest, the Colorado Rule takes precedence. However, forest plan direction that further restricts road construction or tree cutting would be in compliance with the Colorado Rule.

What would the CO Rule mean for the citizens of Colorado and where are we in the process? The 2001 Roadless Rule, which the Colorado Roadless Rule is designed to replace, has been the subject of litigation since its promulgation in 2001. The Governor of Colorado determined that a state specific rule concerning roadless area management would be the best means of assuring consistent conservation and management of Colorado's roadless areas. The Forest Service and the State of Colorado have worked together to develop proposed rule language and an Environmental Impact Statement. Currently, we are accepting public comments for the proposed rule and the draft environmental impact statement, which ends on October 23. The public input will be used to hone the rule's provisions and language with the goal of promulgating a final rule early next calendar year.

How do I get additional information and provide public comment?

Documents and additional information on the Colorado Roadless Rule is available at <http://roadless.fs.fed.us/colorado.shtml>.

Citizens with specific questions should call the Roadless Rule information line at 303-275-5567.

Citizen Comments: Comments on the proposed rule and DEIS are due by Oct. 23, 2008, and may be sent via e-mail to COcomments@fsroadless.org. Comments can also be mailed to Roadless Area Conservation – Colorado, P.O. Box 162909, Sacramento, CA 95816-2909 or faxed to 916-456-6724.