

## CIVIL RIGHTS IMPACT ANALYSIS FOR THE COLORADO ROADLESS RULE

**Agency:** U.S. Department of Agriculture  
Forest Service  
Ecosystem Management Coordination

**Subject:** Civil Rights Impact Analysis  
Colorado Roadless Rule

**Date:** September 16, 2010

### **Introduction**

The Colorado Roadless Proposed Rule and Revised Draft Environmental Impact Statement (RDEIS) has been reviewed and analyzed to ensure compliance with Departmental Regulation (DR) 4300-4, Civil Rights Impact Analysis; 7 CFR 15d, Nondiscrimination in Programs and Activities Conducted by the United States Department of Agriculture DR 1512-1 Regulatory Decision-Making requirements and to identify actual or potential adverse effects based on race, sex, national origin, age, and disabilities.

#### *Purpose of a Civil Rights Impact Analysis (CRIA)*

The CRIA describes the civil rights implications of policies, actions or decisions that will affect the USDA workforce or federally conducted or assisted programs and activities. The CRIA provides information about the potential adverse effects of a decision, program, or activity; how and to what degree the effects would be demonstrated; and whether the originally planned policy, action, decision, program, or activity should be modified or otherwise changed if possible to ensure increased benefits or more effective outcomes.

The CRIA helps to advise USDA policy makers, managers, and administrators about whether the action or decision will have the effect of unintentionally or otherwise illegally discriminating against USDA customers based on race, sex, national origin, age, and disabilities. Also, the CRIA serves to advise USDA policy makers, managers, and administrators of the effectiveness of decisions as related to ensuring efficient, appropriate allocation or distribution of goods and services in a manner that ensures compliance with all the laws, rules and regulations under which USDA must operate.

### *USDA Civil Rights Policy*

The Civil Rights Policy for the USDA, Departmental Regulation 4300-4 dated May 30, 2003, states that the following are among the civil rights strategic goals; (1) Managers, supervisors, and other employees are held accountable for ensuring that USDA customers are treated fairly and equitably, with dignity and respect; and (2) equal access is assured and equal treatment is provided in the delivery of USDA programs and services for all customers. This is the standard for service to all customers regardless of race, sex, national origin, age, or disabilities.

### *Colorado Roadless Rule CRIA*

Disparate impact, a theory of discrimination, has been applied to the Colorado Roadless Rule in order to reveal any such negative effects that may unfairly and inequitably impact beneficiaries regarding program development, administration, and delivery. The objectives of this review and analysis are to prevent disparate treatment and minimize adverse Civil Rights impacts that may have caused an effect of discrimination against minorities, women and persons with disabilities and to ensure compliance with all Civil Rights statutes, Federal regulations, and USDA policies and procedures.

The Colorado Roadless Rule CRIA, using USDA Forest Service Civil Rights and Social/Economic direction, Executive Order 12989, Council of Environmental Quality National Environmental Policy Act direction and required analysis within the FEIS, sought to determine whether:

- all minorities, women and persons with disabilities are provided the same opportunities to participate in the Colorado Roadless rulemaking process;
- all minorities, women and persons with disabilities are provided the same or improved opportunities to access information about or have access to roadless areas as managed under the Colorado Roadless Rule.

## **Description of the Proposed Action: Colorado Roadless Rule**

In February 2007, the State of Colorado submitted to the Secretary of Agriculture (Secretary) a petition requesting rule-making. The Petition requested specific regulatory protections and certain management flexibility for the over 4 million acres of National Forest System (NFS) that were identified as Colorado roadless areas (CRAs).

The Roadless Area Conservation National Advisory Committee (RACNAC) reviewed the Petition in July 2007, as presented by Colorado Department of Natural Resources (DNR) staff. The RACNAC then issued a recommendation to the Secretary that the Forest Service be directed, with the State of Colorado as a cooperating agency, to proceed with rulemaking.

In July 2008, the Forest Service, in cooperation with the Colorado DNR, released the proposed Colorado Roadless Rule and Draft Environmental Impact Statement (DEIS) for public review and comment. Eight public open houses were held in Colorado, as

well as one open house in Washington D.C., soliciting written and oral comments on the proposed rule and DEIS. The RACNAC held two meetings to discuss the proposed rule and gave recommendations to the Forest Service for the final rule.

Following the comment period for the proposed rule and DEIS, the State of Colorado requested additional time to continue discussions with interest groups. In an attempt to ensure all groups had been heard and understood the modifications the State was interested in making to the proposed rule language, the State sponsored a 60-day comment period specifically on their rule language. Following that public comment period, the State presented the Secretary of Agriculture with a modified petition. This modified petition was used to create the proposed Colorado Rule and analyzed in the RDEIS. All interested parties are able to review and comment on all changes and modifications made to the rule language and to the analysis, addressing substantial internal and external comments during the public comment period on the proposed rule and RDEIS.

The purpose of the proposed Colorado Roadless Rule is to provide direction for the protection and management of CRAs. The proposed rule integrates local management concerns with the national objectives for protecting roadless area characteristics. The starting point for the Colorado petition was the 2001 Roadless Area Conservation Rule (RACR), which prohibited tree-cutting, sale and removal and road construction or reconstruction because those activities have the greatest likelihood of alternating and fragmenting landscapes, resulting in immediate, long-term loss of roadless characteristics. Although other activities may also compromise roadless area characteristics, they are best reviewed through local land management plans. The Colorado Roadless Task Force altered RACR language to specifically address resource management needs in Colorado and public comments. The proposed Colorado Roadless Rule represents a balanced solution for retaining the integrity and natural beauty of Colorado's roadless areas while maintaining flexibility for local management concerns, including risks to communities from wildfire and future water needs.

The RDEIS examines four alternatives establishing regulatory direction.

1. Direction based on provisions of the 2001 Inventoried Roadless Area (IRA) protections;

Generally prohibited road construction and reconstruction and timber-cutting, sale or removal in those areas defined in Forest Plans as IRAs.

Exceptions for road construction/reconstruction include roads for:

public health and safety,

the Comprehensive Environmental Response, Compensation, and Liability Act,

reserved or outstanding rights, or as provide for by statute or treaty,

road realignment to prevent irreparable resource damage,  
road reconstruction for road safety improvement,  
Federal Aid Highway projects, and  
the continuation, extension, or renewal of a mineral lease.

Exceptions for timber-cutting, sale and removal included the cutting, sale or removal of timber for:

threatened, endangered, proposed, or sensitive species habitat improvements,  
to maintain or restore the characteristics of ecosystem composition and structure,  
where incidental to the implementation of a management activity not otherwise prohibited,  
for personal or administrative use, and  
in areas considered substantially altered within IRAs.

2. Direction based on the proposed Colorado Roadless Rule (proposed action).

Generally prohibited road construction and reconstruction, linear construction zones greater than 50 inches wide, and tree-cutting, sale and removal in those areas defined in the RDEIS as CRAs.

Creates a category of upper tier acres that prohibit management activities beyond those general prohibitions on the remaining CRA acres. Within the upper tier acres roads can only be constructed or reconstructed for reserved or outstanding rights, or as provide for by statute or treaty. Tree-cutting, sale or removal can only be completed where incidental to the implementation of a management activity not otherwise prohibited, or for personal or administrative uses. The remaining exceptions for tree-cutting or road construction are not allowed in the upper tier acres.

Exceptions for forest (permanent) road construction/reconstruction include for:

the Comprehensive Environmental Response, Compensation, and Liability Act,  
reserved or outstanding rights, or as provide for by statute or treaty,  
road realignment to prevent irreparable resource damage,  
road reconstruction for road safety improvement,  
Federal Aid Highway projects, and

the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree(as of the date of the rule).

Exceptions for temporary road construction/reconstruction include for:

public health and safety,

tree-cutting treatments to reduce the wildfire hazard adjacent to at-risk community or municipal water supply system within the first ½ mile of a community protection zone,

tree-cutting treatments to prevent or suppress insect and disease epidemic within the first ½ mile of a community protection zone, and

existing and future telecommunication and electrical power lines.

Exceptions for temporary road construction/reconstruction include for:

an existing oil and gas lease as of the date of this rule, and

coal lease activities within the North Fork Coal Mining area.

Limits exceptions for linear constructions only for:

an oil or gas pipeline that connects to existing infrastructure within a CRA if the Regional Forester determines such a connection would cause less environmental damage than alternative routes,

installation of a future electrical power line or telecommunication line if the Regional Forester determines that routes outside a CRA would cause substantially greater environmental damage, or

the construction, reconstruction, or maintenance of an authorized water conveyance structure which is operated pursuant to a pre-existing water court decree(as of the date of the rule).

Any road construction or reconstruction completed under the proposed Colorado Roadless Rule must include the following required findings:

that motorized access without road construction is not technically feasible,

that within a native cutthroat trout catchment or identified recovery watershed, road construction/reconstruction or linear construction zones will not diminish conditions in the water influence zone and in the native cutthroat habitat,

that for exceptions that allow construction of a forest road, that a temporary road would not provide reasonable access, and

that road construction is consistent with Forest Plan direction.

Exceptions for tree-cutting, sale or removal must be consist with the Forest Plan direction and include a determination by the Regional Forester that one of the following circumstances exists as a need for the cutting, sale or removal of trees:

- reducing the wildfire hazard to at-risk communities and municipal water supply systems within the community protection zone,
- reducing the wildfire hazard to municipal water supply systems outside the community protection zone,
- prevention or suppression of insect and disease epidemics,
- improvement of threatened, endangered, proposed, or sensitive species habitat,
- tree-cutting is incidental to the implementation of a management activity not otherwise prohibited, or
- tree-cutting is for personal or administrative use.

Any tree-cutting, sale or removal completed under the first four exceptions must include the following required finding:

Maintain or improve one or more roadless characteristics over the long-term.

3. Direction based on existing land and resource management plans (No Action - Existing Forest Plans).

All road construction/reconstruction and tree-cutting would follow existing Forest Plan direction for all National Forest system lands in Colorado, including those lands within CRAs.

4. Same direction as alternative 2 (proposed Colorado Rule) but there is a different set of upper tier acres for consideration.

Refer to Chapter 2 of the RDEIS for a full description of each of the alternatives and a comparison of the potential impacts. Refer to the map packet for a display of upper tier acres and comparison of IRA and CRA inventories.

A national CRIA was completed for the 2001 RACR as a part of that analysis effort, and each Forest Plan is also evaluated for Civil Rights impacts at the time of revision. The focus of this CRIA is on the proposed Colorado Roadless Rule and the eight national forests that would be directly impacted by the Colorado Rule.

## **Colorado Roadless Rule Notice of Intent and Scoping**

The Notice of Intent (NOI) for the proposed rule making was published in the Federal Register on December 26, 2007. The 60-day scoping period, ended on February 25, 2008. Electronic versions of the NOI were sent to National and Colorado mailing lists. Hard

copy versions were sent to 19 separate Tribal governments. Comments were accepted by email, fax, or hard copy. In total, over 88,600 public comments were received and evaluated. No information regarding the race, sex, national origin, age, or disabilities of those choosing to respond to the NOI was collected.

The Proposed Rule and availability of the DEIS were published in the Federal Register on July 25, 2008, and August 1, 2008, respectively. Hard copy versions were sent to 19 separate Tribal governments. Hard copies of the Proposed Rule, the DEIS summary and complete document sets were sent to those individuals and groups as requested. Hard copies of the DEIS and Proposed Rule were made available at each Forest Service office in Colorado. Public open houses were held in the following communities and provided opportunities to submit written or oral comments:

- Denver, Colorado
- Durango, Colorado
- Fort Collins, Colorado
- Glenwood Springs, Colorado
- Grand Junction, Colorado
- Monte Vista, Colorado
- Pueblo, Colorado
- Steamboat Springs, Colorado
- Washington D.C.

Comments were accepted by email, fax, or hard copy. In total, over 194,600 comments were received and evaluated. No information regarding the race, sex, national origin, age, or disabilities of those choosing to respond to the Proposed Rule or DEIS were collected.

### **Race, Sex, National Origin, and Age**

Demographic information (2000 Census) for the State of Colorado by county is provided in Appendix B. No specific information concerning respondents' race, sex, national origin, or age were collected from the scoping comments, public meetings, or the proposed rule/DEIS comments. There were no comments that indicated there was concern about discrimination by minorities, women and persons with disabilities during the scoping or public comment process of the Colorado Roadless Rule.

Within roadless area management, each area will be open to all groups for whatever level of activity the Colorado Roadless Rule would allow. There will be no difference in opportunities for groups based on race, sex, national origin, or age.

### **Persons with Disabilities**

Overall, about 19 percent of the United States population (2000 Census) is considered to be living with a disability. Within Colorado's population, about 16 percent (2000

Census) of the total population is considered to be disabled (see Appendix B for data by county).

People were defined as having a disability within the 2000 Census survey, if one or more of the following conditions were true:

- They were aged 5 or older and responded “yes” to a sensory, physical, mental, or self-care disability.
- They were aged 16 years or older and responded “yes” to a disability affecting going outside the home.
- They were between the ages of 16 and 64 and responded “yes” to an employment disability.

Many expressed concern that both the 2001 RACR provisions and the proposed Colorado Roadless Rule would prevent access to roadless areas.

The CRIA for the 2001 RACR found that issues surrounding persons with disabilities appear to be primarily concerned with access and recreation. Access to roadless areas for persons with disabilities was a concern raised by members of the public for this action. Section 504 of the Rehabilitation Act of 1973 requires that Forest Service programs, services and benefits are accessible and available to persons with disabilities. Programs include facilities and lands in their natural state.

While some of the topography of roadless areas may not be user friendly to some persons with disabilities, the Colorado Roadless Rule would not cause the Forest Service to construct any barriers that would prevent people from having an equal opportunity to enjoy roadless areas. However, this does not guarantee that all members of the public can take advantage of that opportunity in all areas of the national forests and grasslands. The Colorado Roadless Rule applies equally to all members of the public, and therefore is not discriminatory towards persons with disabilities.

Specific access issues will be addressed through Forest-level travel management planning outside this roadless rulemaking process. Any travel management planning would involve all interest groups and individuals.

### **Tribal Consultation**

Information applying to the Colorado Roadless Rule was provided to the Ute Mountain Ute and Southern Ute Indian Tribes, located in Colorado prior to the release of the NOI. The San Juan National Forest held meetings with both Tribes to discuss the Roadless Rule as well as other Forest issues. The Tribes expressed concern about hunting access, and unauthorized roads. These issues identified by the Tribes were incorporated into the proposed Colorado Roadless Rule and RDEIS.

An introductory letter and the NOI along with a CD of the background information, and an offer for additional information or meetings was sent to the following tribes as requested:

Hopi Tribal Council

Navajo Nation

Northern Cheyenne Tribal Council	Pueblo of Taos
Pueblo of Jemez	Pueblo of Tesuque
Pueblo of Nambé	Pueblo of Zuni
Ohkay Owingeh	Jicarilla Apache Nation
Pueblo of Picuris	Cheyenne and Arapaho Tribes of Oklahoma
Pueblo of Pojoaque	Ute Business Committee
Pueblo of San Ildefonso	Shoshone Business Committee
Pueblo of Santa Clara	Arapaho Business Committee

The Proposed Rule and DEIS were also sent to each of the tribes and they were contacted by phone to determine interest in additional meetings or obtaining information. The roadless team received no interest from tribes for additional government to government involvement, and no formal comments from any of the tribes were received during either comment period.

## **Social and Economic Summary**

### **Social Values**

The social implications of roadless area management in Colorado are of interest to local residents surrounding the roadless areas, users of roadless areas, and people throughout the country who value or are interested in roadless area resources. Policy decisions that influence the management of roadless areas attempt to balance the wide variety of uses and values individuals hold for national forest resources. It is unlikely that any alternative selected in this process will answer the needs of all those interested in management of roadless areas in Colorado. Each alternative will be a compromise between people's competing uses and values of roadless areas.

The social and economic analysis in the RDEIS describes the potential impacts on people's different interests and values of roadless area resources by alternative.

### **Social Values and Interests-**

Social concerns are broad and complex enough that they do not constitute a single issue that can be easily measured and addressed. Generally, the values people hold with respect to forest resources are the measures used to assess if alternatives will have positive or negative impacts on various individuals or groups. There are many definitions of value; for this analysis it is assumed that we can understand forest values, such as biological diversity, recreation, or subsistence, by understanding what is important to people (USDA Forest Service 2003b).

Forest values represent the importance and worth that people have assigned to Colorado roadless areas. People can hold multiple values for the same resource, or may hold very separate values for specific places or experiences. The same place or roadless area will have different values for different people.

Conflicts occur when individuals or groups hold different forest values for the same resource or place. It is difficult to measure these forest values, so specific information is limited, yet it is these differences in values that create resource management conflicts. Resolving issues resulting from conflicting forest values is a political problem and would not be corrected by simply counting or measuring the values more rigorously (USDA Forest Service 1995b). The debate about roadless area conservation reflects the broader question of how demands for the many values that national forests and grasslands provide should be met.

For this analysis, the values and interests included are based on the many responses to comments the public has provided during the 2001 Roadless Rule comment periods, the 2006 Colorado Task Force public hearings, and the 2007 Colorado Rulemaking Notice of Intent comment period. This is not a random sample; people who chose to respond to a Forest Service comment period are self-selected. By focusing on those who commented, the analysis focuses on those people who hold strong values regarding roadless area resources.

This analysis centers on nine broad categories of roadless values/interests, based on the comments received. These categories, defined in table 1, are used to display the differences between alternatives, and do not define specific individuals or groups.

**Table 1. Forest value/interest categories used for Colorado roadless area analysis**

Value/Interest category	Defined for Colorado roadless area analysis
Conservation	Values the balancing of roadless area management between management of resources for various land uses and areas where natural processes dominate.
Industry access	Values commercial activities such as timber, oil and gas development, mining, coal extraction, utilities, and other uses where appropriate in roadless areas. Values future access as needed to facilitate continued resource development and support for resource jobs and income.
Preservation	Values roadless areas for the natural processes and opportunities provided without additional management or infrastructure development. Much of the value is in knowing roadless areas exist and are protected from future development, rather than associated with actual use or visitation.
Recreational use – motorized	Values focus on maintaining current motorized use of roadless areas for recreational opportunities, as well as, where appropriate, increasing backcountry motorized opportunities in the future, which may be trails/singletrack rather than roads.
Recreational use – non-motorized	Values maintaining or expanding non-motorized opportunities in roadless areas. There is some division in this category between those interested in mechanized use (mountain bikes) and those who would like to limit access to hiking and horses. Overall the desire is for quiet/non-motorized experiences in roadless areas.
Roaded access	Values gaining access via roads to the forest, including roadless areas. For some, driven by need or disability, the desire for roaded access is due to the inability to get into the forest without the road system. For others, roaded access is the preferred method of travel, and the travel itself is the recreational experience.
Tourism (including ski	This category is another commercial interest, but capitalizes on the roadless area as a

Value/Interest category	Defined for Colorado roadless area analysis
resorts)	natural amenity that attracts customers to the area for leisure activities. Scenery is of concern to this category, but the value of road construction depends on the types of experiences the operation is providing.
Wilderness	Values roadless areas as land that can be included within the wilderness system in the future. This category focuses on future primitive and protected wilderness experiences and wilderness resources.
Wildland-urban interface	This category is specific to those activities in WUI (community protection zone per alternative 2) or areas identified in a CWPP that overlap in roadless areas where fuel treatments are desired to reduce wildland fire hazards. This category values reducing wildland fire hazards for houses and communities. This category does not focus on individuals living within the WUI.

Table 2 summarizes the overall effects of each alternative relative to each social value/interest category’s perspective, based on the public comments as previously described. Some interests are more adaptable to differences between alternatives, and so more than one of the alternatives may be acceptable. Other interests are specific in their needs and values for roadless area resources; even small variations in potential impacts can result in undesired outcomes. The actual response of any group or individual to activities related to roadless area management will depend on location, substitute sites, timing, mitigation measure, and other trends and events occurring outside Forest Service control. The table highlights where each value/interest category may hold a specific preference for an alternative.

**Table 2. Summary of social value and interest preference for alternatives by interest category**

Value/Interest category	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Conservation	Not preferred	No strong preference	Preferred	Not preferred
Industry access	Not preferred	Not preferred	Preferred	Not preferred
Preservation	Preferred	No strong preference	Not preferred	No strong preferred
Recreational use – motorized	Not preferred	Preferred	Preferred	No strong preference
Recreational use – non-motorized	Preferred	No strong preference	Not preferred	No strong preference
Roaded access	Not preferred	Not preferred	Preferred	Not preferred
Tourism	Nature/eco based, preferred	No strong preference	Motorized-adventure based and ski industry, preferred	Nature/eco based, preferred
Wilderness	Preferred	Not preferred	Not preferred	No strong preference
Wildland-urban interface	Not preferred	Not strong preference	Preferred	Not preferred

Environmental Justice -

Executive Order (EO) 12898 directs federal agencies to focus attention on the human health and environmental conditions in minority and low-income communities. The purpose of EO 12898 is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations. The Environmental Justice analysis for the Colorado Roadless FEIS was completed as a part of the FEIS. The analysis and maps are included in Appendices A and B of this document. No disproportionately negative impacts are expected under any of the alternatives.

#### Economic Values

The topics considered for the economic analysis were based on concerns expressed by the public and the agency. The USDA-Forest Service and the State of Colorado have engaged in extensive public involvement to both develop a proposed rule for roadless area management and to seek comments on the proposal. In the course of public involvement, issues regarding the economic implications of energy development and community protection from wildfire were raised frequently.

Other common resource management activities and outputs were also examined for potential economic implications. These included recreation use, water yield, and livestock grazing. Resource specialists in these fields found that activities and outputs would vary little among the alternatives considered. With no or negligible change to these resources, no change in quantitative economic effects is expected.

The notable exception is commercial timber products (outputs) coming from roadless areas. Timber production would indeed vary by alternative when only considering roadless areas, but Forest-wide commercial timber production levels would remain constant. Production that could not be obtained from roadless areas under a more restrictive alternative would be obtained from non-roadless areas. In total, the value of timber production would remain unchanged among alternatives.

This constant forest-wide response is the result of assuming constant program budget levels across all alternatives for all resources. Because constant program budget levels were assumed, no changes in economic effects that can be quantified and valued were expected. As a result of these considerations, energy development and community protection from wildfire are the only issues that varied by alternative and could be analyzed quantitatively in this report. Some topics that could not be quantified and valued in monetary terms are discussed and analyzed qualitatively.

#### Economic Impacts -

The following table highlights the jobs, labor income and production values by alternative associated with energy resources. The economic impact associated with recreation, tourism, and wood products are unlike to change by alternative at the state-wide scale and have not been included.

Table X. Average annual energy-related economic outputs, 15-year timeframe.

	Alternative 1	Alternative 2	Alternative 3	Alternative 4
<b>Average Annual Jobs</b>				
<b>Oil Drilling</b>	489 jobs	489 jobs	553 jobs	489 jobs
<b>Oil/Gas Production</b>	360 jobs	360 jobs	406 jobs	360 jobs
<b>Coal Production</b>	1,033 jobs	1,912 jobs	1,912 jobs	1,912 jobs
<b>Average annual labor income</b>				
<b>Oil Drilling</b>	\$25.3 million	\$25.3 million	\$28.6 million	\$25.3 million
<b>Oil/Gas Production</b>	\$ 24.6 million	\$24.6 million	\$ 27.8 million	\$ 24.6 million
<b>Coal Production</b>	\$75.2 million	\$139.1 million	\$139.1 million	\$139.1 million
<b>Average annual value of production</b>				
<b>Oil Drilling</b>	\$156.9 million	\$156.9 million	\$177.6 million	\$156.9
<b>Oil/Gas Production</b>	\$269.4 million	\$269.4 million	\$303.9 million	\$269.4 million
<b>Coal Production</b>	\$305.9 million	\$566.2 million	\$566.2 million	\$566.2 million

**Economic Benefits and Costs -**

Alternatives 1 and 4 put forth the highest priority of roadless area characteristics will limit access for other resource uses. All roadless areas identified in this document are managed in a similar manner. Government agency costs are generally low, and opportunities for other benefits requiring roaded access or tree-cutting are foregone. When entry or treatment is needed, however, the cost and time requirements of entry may be very high. Alternative 2 provides for roaded access and vegetation manipulation within most CPZs, the upper tier only limiting some access, and allowing access within the North Fork Coal mining area. These benefits are given priority over retention of roadless area characteristics and non-market benefits in selected roadless areas.

Government agency costs of management are higher than Alternative 1, but fewer opportunities for other benefits requiring roaded access and tree-cutting are foregone. Alternative 3 offers the greatest mix of benefits – retained roadless characteristics in some areas and development benefits in others. It also offers the widest range of tradeoffs. Priorities are set in the forest planning process rather than in this roadless management process. Government costs of management are the least certain and widest ranging, depending upon the priorities and controversy associated with each roadless area. Opportunities foregone are the lowest and the retention of non-market benefits in roadless areas is least certain.

**Mitigation Measures**

Mitigation measure identified are integral to reduce potential disproportionately negative impacts human health due to Forest Service programs, policies and activities on minority, women, persons with disabilities, and low income populations.

- Continue to consult early and often with Colorado Tribal Governments regarding Special Areas of Historic Tribal Significance for implementation of projects within CRAs.
- Continue to design travel management planning and public involvement opportunities that consider access concerns from minorities, women, persons with disabilities, and low income populations.

## **Monitoring and Evaluation**

It is the responsibility of the Deputy Chiefs for National Forest Systems to ensure that decision-makers are aware of this Civil Rights Impacts Analysis and that the alternatives and mitigations are considered. Any future projects within CRAs will be implemented only after an appropriate level of NEPA is completed and the decision documented. This project-level NEPA will be completed with adequate public involvement that will consider access and concerns from minorities, women, persons with disabilities, and low income populations.

## **Net Civil Rights Impacts**

The CRIA revealed no adverse effects associated with the Colorado Roadless rulemaking process or the final rule to the participation of any persons or groups based on race, sex, national origin, age, and disabilities. The process was open to the participation of any individuals or groups. There were no known barriers at the public meetings;

- all were open to the public,
- all were advertised locally through Forest networks, and
- all meeting facilities were accessible to the public including persons with disabilities.

Under all three alternatives, there would be no difference in opportunities for women, minorities, or persons with disabilities.

Civil Rights Impact Analysis for Colorado Roadless Rulemaking -

Prepared by: Julie Schaefer  
Julie Schaefer  
Region 2 Social Scientist

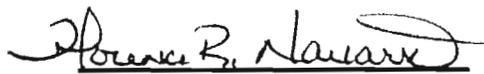
Date: 9.16.2010

Reviewed by: Jerome Romero  
Jerome Romero  
Deputy Director, Civil Rights

Date: 9.16.2010

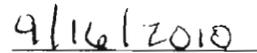
## CERTIFICATION OF CIVIL RIGHTS DIRECTOR

As the agency's principal Equal Opportunity (EEO) official, the Director of Civil Rights (CR) is responsible for administering a full range of EEO and Title VI Programs. The Director provides advice and technical guidance on CR matters to the USDA Forest Service Regional Forester, Rocky Mountain Region and other Agency Management officials. This is certification that the Director of CR was actively involved in the planning and implementation of the Colorado Roadless Rulemaking.



FLORENCE R. NAVARRO

Director, Civil Rights  
Rocky Mountain Region



Date

### CRIA Certification

This is to certify that the undersigned:

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#### Major Responsibilities

- Worked with subject matter experts, including agency civil rights officials, during the planning and development of the **USDA Forest Service, Colorado Roadless Rule**.
- Identified and analyzed the civil rights implications and impacts of eligibility criteria, methods of administration, and other requirements associated with this proposal.
- Instituted civil rights strategies to eliminate, alleviate, or mitigate adverse and disproportionate civil rights impacts identified in the CRIA.

#### Monitoring and Evaluation

- The undersigned agrees to monitor implementation on all civil rights strategies that were instituted in connection with this proposal, evaluate their effectiveness, and take follow-up action where adverse civil rights impacts persist.

#### Signatory

  
\_\_\_\_\_  
DEBRA A. MUSE  
Director of Civil Rights  
USDA Forest Service

Date: 10/8/2010

**Colorado Roadless Rulemaking Civil Rights Impact Analysis**

**Environmental Justice Analysis  
Appendix A**

## ***Social Values***

The social implications of roadless area management in Colorado are of interest to local residents surrounding the roadless areas, users of roadless areas, and people throughout the country who value or are interested in roadless area resources. Policy decisions that influence the management of roadless areas attempt to balance the wide variety of uses and values individuals hold for national forest resources. It is unlikely that any alternative selected in this process will answer the needs of all those interested in management of roadless areas in Colorado. Each alternative will be a compromise between the competing uses and values of roadless areas.

This section describes a description of environmental justice considerations, and potential impacts by alternative.

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## **Affected Environment**

### **Environmental Justice**

Executive Order (EO) 12898 directs federal agencies to focus attention on the human health and environmental conditions in minority and low-income communities. The purpose of EO 12898 is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations.

Table 3-2 was developed from census bureau data from 2000. It highlights the minority group composition of the roadless area counties compared to Colorado state statistics. A minority population exists if 50 percent or more of the total population is considered to be of any minority group (Council on Environmental Quality 1997). The table shows that Alamosa, Eagle, Huerfano, Lake, Las Animas, Pueblo, Rio Grande, and Saguache Counties have minority populations larger than the state average, and Conejos and Costilla County in the San Luis Valley have the largest minority populations. Table 3-2 also displays the percent of individuals living below the poverty level by county and by state, and displays the percentage of households that heat with wood as their primary heat source, which is another low income indicator. In some areas of the state, heating with wood is an important factor to consider when looking at potential impacts of Forest Service actions because many low income families gather and use wood as their primary source of affordable heat.

**Table 3-2. Environmental justice statistics for roadless area counties in Colorado**

State/County	2000 population	Percent Black or African American	Percent American Indian, Alaska Native	Percent Asian, Native Hawaiian, other Pacific Islander	Percent some other race	Percent two or more races	Percent Hispanic or Latino, any race	Percent below poverty level	Percent heat with wood
Colorado	4,301,261	3.7%	0.7%	2.3%	0.1%	2.8%	17.1%	9.3%	1.0%
Alamosa	14,966	1.0%	2.3%	1.0%	20.3%	4.2%	41.4%	21.3%	5.3%
Archuleta	9,898	0.4%	1.4%	0.3%	7.0%	2.6%	16.8%	11.7%	9.0%
Boulder	291,288	0.9%	0.6%	3.1%	4.7%	2.2%	10.5%	9.5%	0.5%
Chaffee	16,242	1.6%	1.1%	0.5%	4.2%	1.7%	8.6%	11.7%	6.5%
Clear Creek	9,322	0.3%	0.7%	0.4%	1.0%	1.2%	3.9%	5.4%	4.8%
Conejos	8,400	0.2%	1.7%	0.2%	21.5%	3.6%	58.9%	23.0%	11.1%
Costilla	3,663	0.8%	2.5%	1.1%	29.5%	5.2%	67.6%	26.8%	12.2%
Custer	3,503	0.4%	1.1%	0.3%	0.7%	1.6%	2.5%	13.3%	6.8%
Delta	27,834	0.5%	0.8%	0.3%	4.3%	1.8%	11.4%	12.1%	6.7%
Dolores	1,844	0.1%	2.0%	0.4%	0.6%	1.7%	3.9%	13.1%	8.6%
Douglas	175,766	1.0%	0.4%	2.6%	1.4%	1.9%	5.1%	2.1%	0.3%
Eagle	41,659	0.3%	0.7%	0.9%	10.8%	1.9%	23.2%	7.8%	1.9%
El Paso	516,929	6.5%	0.9%	2.8%	4.7%	3.9%	11.3%	8.0%	0.3%
Fremont	46,145	5.3%	1.5%	0.6%	1.2%	1.8%	10.3%	11.7%	2.2%
Garfield	43,791	0.4%	0.7%	0.5%	6.5%	1.8%	16.7%	7.5%	2.7%
Gilpin	4,757	0.5%	0.8%	0.9%	1.5%	1.9%	4.2%	4.0%	9.6%
Grand	12,442	0.5%	0.4%	0.8%	2.0%	1.1%	4.4%	7.3%	6.6%
Gunnison	13,956	0.5%	0.7%	0.6%	1.4%	1.7%	5.0%	15.0%	7.6%
Hinsdale	790	0.0%	1.5%	0.3%	0.4%	0.5%	1.5%	7.2%	14.8%
Huerfano	7,862	2.7%	2.7%	0.5%	9.4%	3.7%	35.1%	18.0%	4.4%
Jackson	1,577	0.3%	0.8%	0.1%	1.5%	1.3%	6.5%	14.0%	4.8%
Jefferson	527,056	0.9%	0.8%	2.4%	3.2%	2.2%	10.0%	5.2%	0.5%
Lake	7,812	0.2%	1.3%	0.4%	18.0%	2.6%	36.1%	12.9%	4.8%
La Plata	43,941	0.3%	5.8%	0.5%	3.9%	2.3%	10.4%	11.7%	5.9%
Larimer	251,494	0.7%	0.7%	1.6%	3.4%	2.2%	8.3%	9.2%	0.7%
Las Animas	15,207	0.4%	2.5%	0.6%	10.0%	3.8%	41.5%	17.3%	2.9%
Mesa	116,255	0.5%	0.9%	0.6%	3.7%	2.0%	10.0%	10.2%	1.7%
Mineral	831	0.0%	0.8%	0.0%	0.1%	2.2%	2.0%	10.2%	19.4%
Moffat	13,184	0.2%	0.9%	0.4%	3.2%	1.8%	9.5%	8.3%	2.0%
Montezuma	23,830	0.1%	11.2%	0.3%	4.3%	2.4%	9.5%	16.4%	8.9%
Montrose	33,432	0.3%	1.0%	0.5%	5.7%	2.5%	14.9%	12.6%	6.7%
Ouray	3,742	0.1%	0.9%	0.4%	0.5%	1.7%	4.1%	7.2%	9.2%
Park	14,523	0.5%	0.9%	0.4%	1.2%	1.8%	4.3%	5.6%	8.8%
Pitkin	14,872	0.5%	0.3%	1.2%	2.4%	1.3%	6.5%	6.2%	2.8%
Pueblo	141,472	1.9%	1.6%	0.7%	12.9%	3.4%	38.0%	14.9%	0.6%
Rio Blanco	5,986	0.2%	0.8%	0.3%	2.0%	1.7%	4.9%	9.6%	3.7%
Rio Grande	12,413	0.3%	1.3%	0.2%	21.4%	2.8%	41.7%	14.5%	6.9%
Routt	19,690	0.1%	0.5%	0.5%	0.7%	1.3%	3.2%	6.1%	4.5%
Saguache	5,917	0.1%	2.1%	0.5%	23.0%	3.1%	45.3%	22.6%	7.6%
San Juan	558	0.0%	0.7%	0.5%	0.7%	0.9%	7.3%	20.9%	11.1%

State/County	2000 population	Percent Black or African American	Percent American Indian, Alaska Native	Percent Asian, Native Hawaiian, other Pacific Islander	Percent some other race	Percent two or more races	Percent Hispanic or Latino, any race	Percent below poverty level	Percent heat with wood
San Miguel	6,594	0.3%	0.8%	0.8%	3.4%	1.1%	6.7%	10.4%	7.8%
Summit	23,548	0.7%	0.5%	0.9%	4.0%	2.1%	9.8%	9.0%	2.7%
Teller	20,555	0.5%	1.0%	0.7%	0.9%	2.0%	3.5%	5.4%	6.3%

Source: US Census Bureau, 2000 Census

For more detailed information, appendix B, social and economic maps displaying 2000 Census demographic information for counties in Colorado during the 2000 Census.

The state had about 9 percent of the total population living below the poverty level in 2000. Alamosa, Conejos, Costilla, Saguache, and San Juan counties all had individual poverty rates of 20 percent or higher in 2000. In addition, Conejos, Costilla, and Saguache Counties also had higher levels of households heating with wood. These counties are within the southern San Luis Valley in southern Colorado, and have historically seen lower income levels and higher minority populations than the rest of Colorado.

Within the southern San Luis Valley, many rural Hispanic families continue to live in traditional ways on lands farmed by their ancestors. Many families operate outside the cash economy, relying on access to public lands for resources they need. This includes subsistence hunting and gathering, gathering wood for heating and cooking, grazing small herds of domestic animals under permit, and gathering traditional cultural products (Romero et al. 2001).

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## **Environmental Consequences – direct/indirect effects**

### ***Alternative 1 - Provisions of the 2001 RACR***

This alternative, like the other two alternatives, would not change the demographic conditions and trends described in the affected environment. The increasing and changing population growth, along with changes in age and racial diversity, would have some impacts on NFS lands in terms of the types of resources and opportunities people demand from their public lands. The effects of increasing demands for the resources in roadless areas are discussed in other sections of this EIS.

In terms of environmental justice indicators, the southern San Luis Valley appears to be an area where access to NFS lands is important for families to maintain their rural lifestyle. The 2001 Roadless Rule does not allow additional road construction, but does not close or limit use of existing roads in roadless areas, so fuel wood gathering from a road system could continue. It is likely the local district would continue to plan vegetation management projects along existing road systems, so future fuel wood would likely be available. If the majority of these projects are for community wildfire protection, families interested in gathering fuel wood would have a short commute to those project areas. The actual availability of fuel wood is dependent on district decisions, but future fuel wood would likely be available.

**Alternative 2 – Colorado Roadless Rule (Proposed Action)**

This alternative does not differ from alternative 1 (no action) relative to how population trends may influence or be influenced by roadless area management.

In terms of environmental justice indicators, alternative 2 would provide additional opportunities for families to collect fuel wood, if additional temporary roads are allowed in CRAs and collection of fuel wood is deemed by the local district as an approved use of those temporary roads.

**Alternative 3 – Forest Plan**

This alternative does not differ from alternative 1 (no action) relative to how population trends may influence or be influenced by roadless area management.

Under this alternative, all IRAs would be managed under the existing forest plan direction. Most of the forest plans would continue to allow families to have adequate opportunities to collect fuel wood in the roadless areas. Roading restrictions for each forest plan are described in appendix B, forest plan management area direction.

**Alternative 4 – Colorado Roadless Rule, with public proposed upper tier acres**

This alternative does not differ from alternative 1 (no action) relative to how population trends may influence or be influenced by roadless area management.

In terms of environmental justice indicators, alternative 4 may provide fewer opportunities for families to collect fuel wood because of the significant increase of the overlap of community protection zones and upper tier acres within this alternative. If the upper tier acres are fixed around communities with a need for fuel wood, families may have a difficult time finding fuel wood near their homes.

## **Colorado Roadless Rulemaking Civil Rights Impact Analysis**

### **2000 Census demographic information**

#### **Appendix B**







# COLORADO

## Percent of Some Other Race By County

### 2000 Census\*



Source: U.S. Census Bureau, 2000 Census\*

\*At the time of the 2000 Census, Broomfield County had not yet been established, thus the values for this county are null.

# COLORADO

## Percent of Hispanics or Latinos (any race) By County

### 2000 Census\*

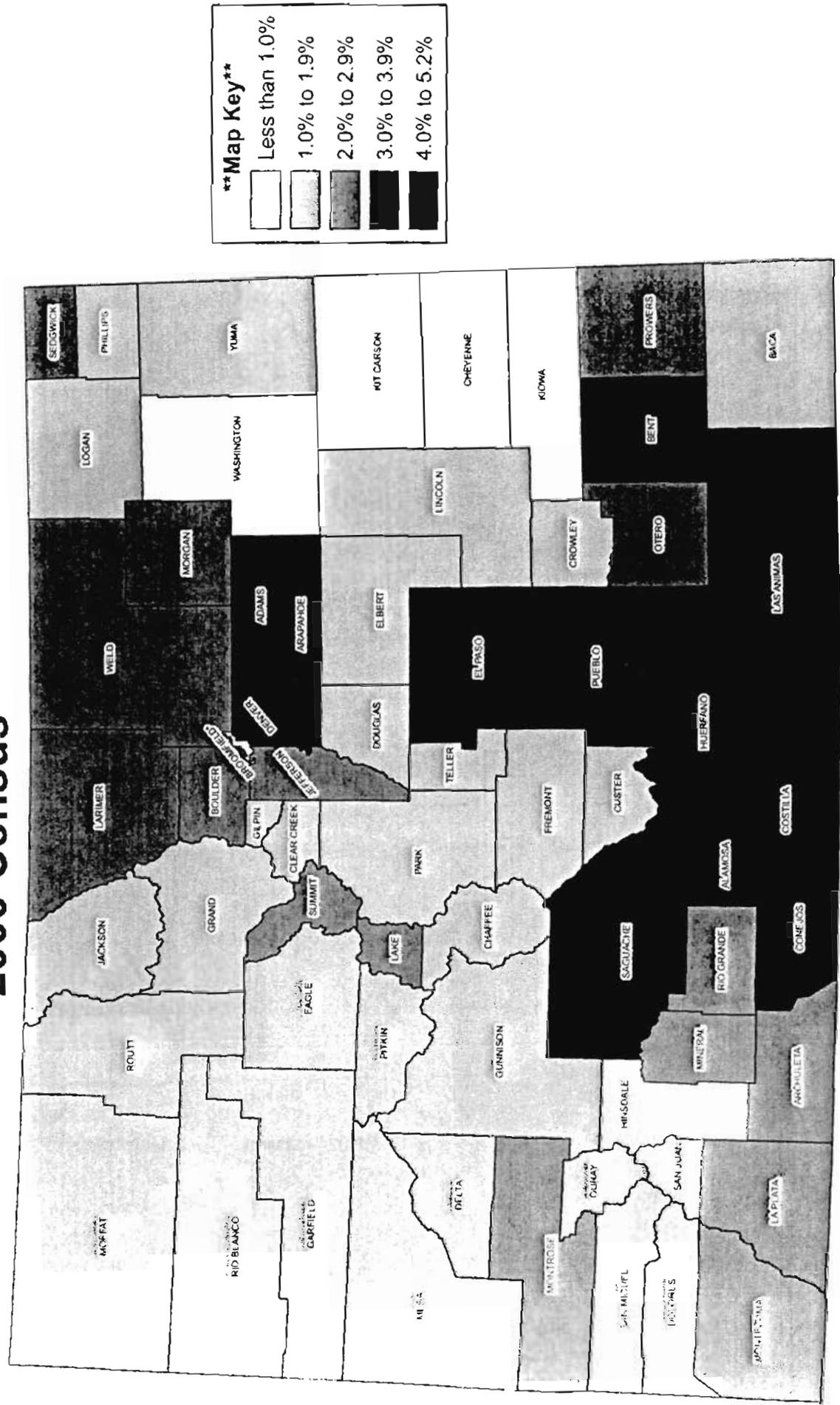


Source: U.S. Census Bureau, 2000 Census\*  
 \*At the time of the 2000 Census, Broomfield County had not yet been established, thus the values for this county are null.

# COLORADO

## Percent of Two or More Races By County

### 2000 Census\*



Source: U.S. Census Bureau, 2000 Census\*  
 \*At the time of the 2000 Census, Broomfield County had not yet been established, thus the values for this county are null.



# COLORADO Median Age By County\* 2000 Census\*



Source: U.S. Census Bureau, 2000 Census\*

\*At the time of the 2000 Census, Broomfield County had not yet been established, thus the values for this county are null.

